



APPLE BLOSSOM KINDERGARTEN

STAFF DISCIPLINE & GRIEVANCE PROCEDURE

Apple Blossom Kindergarten/Manchester Steiner Ltd.

It is the aim of Apple Blossom Kindergarten to ensure that employees with a grievance relating to their employment can use a procedure which can help to resolve grievances as quickly and fairly as possible.

Preliminary - Informal discussions

Most routine complaints and grievances are best resolved informally. It is important that employees feel free to raise any concerns or grievances and that the process is viewed as making a healthy contribution to good employee relations.

If an employee has a grievance about their employment, they should in the first instance discuss it with the Directors Meeting or a member of the Apple Blossom Kindergarten. It is the hope of Apple Blossom Kindergarten that most problems will be resolved at this stage.

The following information should be made available to the person dealing with the grievance:

- Nature of the grievance
- Date and time of any relevant incident or event
- Names of any witnesses
- Any action already taken
- Resolution sought

Meeting notes will be taken and any agreed outcomes clearly documented with dates for completion where appropriate.

Formal Procedure

Stage 1 – Put it in writing

If the matter cannot be resolved through informal discussion, the employee should send a written explanation of their grievance to the Directors, stating the basis for their complaint and clearly marking the letter as an **OFFICIAL GRIEVANCE**. If the written explanation of grievance is sent via email the subject must state: '**OFFICIAL GRIEVANCE**' in capitals.

The employee will receive a letter of acknowledgement outlining next steps within **SIX** days of receipt of the grievance.

Upon receipt of an official grievance the Directors, and Apple Blossom Kindergarten Directors will establish an 'Investigation Team'.

The purpose of the Investigation Team is to meet with the employee listen to what he / she has to say, gather further evidence where appropriate and then make a decision. Where possible the team should consist of 3 people – from the Directors and local partner agencies including 1 outside person not from within Apple Blossom Kindergarten.

Stage 2 – Meet and discuss

Investigation

The employee will be invited to a meeting to discuss their grievance. It is strongly recommended that the employee brings with them a colleague as support. (spouse, friends, family or solicitor should not attend). The kindergarten will in most instances postpone the first meeting if the employee is not accompanied.

Where appropriate the investigation team will gather witness statements, records of maintenance and training, photo evidence and refer to the kindergarten's Policies and Procedures.

At all meetings written notes will be made including the main points and changes required. The employee will sign these minutes to confirm agreement. An official note taker will be assigned to ensure a complete and accurate record is kept.

At any meeting it is an opportunity for two-way conversation so that the employer can hear first hand the view point of the employee. No immediate decision will be made; time to reflect and consider what has been said will be needed.

Decision

After considering all the evidence the investigation team will make a decision. The respective management bodies will be informed of this decision prior to the employee.

Where possible the decision will be made within 21 days of meeting with the employee. This time may be required to gather additional information and meet with the respective management bodies.

Outcomes will vary according to the nature and circumstances of each grievance, they might include:

- The kindergarten accepting that the employee has a legitimate grievance and undertaking to resolve the situation.
- The employee gaining a better understanding of the circumstances surrounding their grievance and no longer feeling aggrieved.
- The employee receiving a verbal or written apology and no longer feeling aggrieved.
- One or both parties agreeing to participate in counselling, mediation or training.
- Disciplinary action against the employee or employee's subject of the grievance where there is evidence of a breach of the disciplinary code.
- Disciplinary action against the employee raising the grievance if it is found to be malicious.

Stage 3 – Appeal

If an employee wishes to appeal against the findings this must be done in writing within 3 working days of the employee receiving the decision. The letter or email subject title must state in capitals: **'APPEAL AGAINST GRIEVANCE'**

Upon receipt of an official Appeal, the Directors and Apple Blossom Kindergarten will establish an Appeal Panel.

The Appeal Panel will consist of people not previously involved in the investigation. The Appeal Panel will: Invite the employee to a meeting within 10 working days of receiving the appeal or without necessary delay where for good reason it is not possible to hold the meeting within 10 days.

Notes of this meeting will be taken.

The right to be accompanied applies once again and the meeting may be adjourned if the companion is unavailable.

Review all the evidence gathered by the investigation team. If deemed necessary the Appeal Panel may re-interview.

Meet with the investigation team to understand their reasoning behind the decision they came to.

The Appeal Panel will make a decision within 21 days of receiving the appeal or if this is not possible without undue delay.

The decision of the Appeal Panel will be communicated to the Directors and Apple Blossom Kindergarten Committee prior to the employee being informed.

Their decision is final.

Apple Blossom Kindergarten Disciplinary Procedure

Purpose of the procedure

Apple Blossom Kindergarten's aim is to encourage acceptable standards of individual conduct and performance and to ensure problems, if and when they arise, are resolved swiftly and fairly to all concerned. This procedure sets out the action which will be taken when these accepted standards are breached.

The complaint

Any member of staff can without prejudice and with support of our Whistleblower policy See Apple Blossom Kindergarten Safeguarding & Child Protection Policy, bring a complaint against a colleague which may lead to disciplinary action being taken.

The Directors have a duty to investigate any activity that might lead to disciplinary action. An official complaint does not need to be made by another employee. If the Directors are made aware of activity that could potentially lead to disciplinary action they has a duty to investigate.

If a member of staff or parent wishes to report an employee they should speak with one of the Directors of Manchester Steiner Ltd.

Informal discussions

Before taking formal disciplinary action, your supervisor or a member of Apple Blossom Kindergarten including the Directors will make every effort to resolve the matter by informal discussions with you. If it is felt that an informal discussion needs to take place the Directors must be informed prior to any meeting with an employee.

Only where this fails to bring about the desired improvement or the matter is of a sufficiently serious nature should the formal disciplinary procedure be implemented.

The school retains the right to move straight to formal proceedings if it is felt the disciplinary matter in question is potentially of a sufficient nature to warrant informal discussions being bypassed.

The Directors Meeting will make this decision.

Implementation of Formal Disciplinary Proceedings Principles

If you are subject to disciplinary action:

- 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.
- At every stage you will be advised of the nature of the complaint and be given the opportunity to state your case.
- You will not be dismissed for a first breach of discipline except in the case of gross misconduct, when the penalty will normally be dismissal without notice and without pay in lieu of notice.
- You have a right to appeal against any disciplinary action taken against you.
- The procedure may be implemented at any stage if your alleged misconduct warrants such action.
- You have the right to be accompanied at a disciplinary hearing by a colleague. Family members, spouse or a solicitor should not attend.
- At the very outset a decision will be made as to the need to suspend an employee pending investigation. This decision will be taken by the two Directors with reference to the Directors Meeting. Suspension with pay does not constitute any disciplinary action but provides time to investigate. Suspension without pay remains an option.

Investigation

At the instigation of formal proceedings the Directors and Apple Blossom Kindergarten will establish an 'Investigation Team'.

The purpose of the Investigation Team is to meet with the employee, listen to what he / she has to say and where appropriate gather witness statements, records of maintenance and training, photo evidence and refer to the schools Policies and Procedures.

In order to allow sufficient time to gather evidence, the Investigation Team will meet with the employee 5-7 days after its creation (sooner if appropriate). The employee will be given at least 72 hours notice of the meeting.

After due consideration and investigation the team will then make a decision.

The possible outcomes of the Disciplinary Procedure are:

- No action taken
- Informal / Verbal Warning
- First Written Warning
- Final Written Warning
- Dismissal

At any meeting it is an opportunity for two-way conversation so that the employer can hear first hand the view point of the employee. There will be no decision regarding disciplinary action at the meeting, the team will need time to consider what has been said.

The kindergarten strongly recommends the employee is accompanied and will postpone the first meeting if the employee is not accompanied

The Investigation Team will, where possible and without undue delay, make a decision within 21 working days of starting the investigation.

The decision of the Appeal Panel will be communicated to the Directors and Apple Blossom Kindergarten prior to the employee being informed.

If the employee has been suspended and is found to be innocent then the school will engage in discussions to help ensure a smooth and managed return to work.

At all meetings written notes will be made of the meeting including the main points and changes required. The employee will sign these minutes to confirm agreement. An official note taker will be assigned to ensure a complete and accurate record is kept.

If after considering all the evidence it is felt that disciplinary action needs to be taken, the 4 possible outcomes are:

Stage 1: Verbal Warning

It is hoped that if the formal disciplinary proceedings are implemented, a verbal warning (confirmed in writing) is all that will be required. If however after investigation it is felt that further action needs to be taken the Disciplinary Team can consider going straight to stages 2, 3 or 4.

Stage 2: First written warning

If conduct or performance is unsatisfactory, the employee will be given a written warning. Such warnings will be recorded, but disregarded after 9 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 children or organisation, it may be justifiable to move directly to a final written warning.)

Stage 3: 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 12 months, action at Stage 4 (see below) will be taken.

The warning will state clearly that dismissal will result from a failure to comply.

Stage 4: Dismissal

If the conduct or performance has failed to improve, dismissal may be the final outcome. Except in cases of gross misconduct employees should receive notice or payment in lieu.

Any dismissal decision will be ratified by the Directors prior to the employee being informed.

Gross misconduct

Possible offences that qualify as gross misconduct are listed below (the list is not exhaustive), the normal consequence will be dismissal without notice or payment in lieu of notice:

- Theft or fraud
- Physical violence or bullying
- Deliberate and serious damage to property
- Serious misuse of Apple Blossom Kindergarten's property, name or reputation
- Deliberately accessing internet sites containing pornographic, offensive, or obscene material
- Serious insubordination
- Unlawful discrimination or harassment
- Bringing the organisation into serious disrepute
- Serious incapability at work brought on by alcohol or drugs
- A serious breach of health and safety
- A serious breach of Apple Blossom Kindergarten's Child Protection Policy
- A serious breach of confidence

Appeal

If an employee wishes to appeal against the findings this must be done in writing (the subject title must state in capitals: **'APPEAL AGAINST DISCIPLINARY'**) within 3 working days of the employee receiving the decision.

Upon receipt of an official Appeal, the Directors will establish an Appeal Panel.

The Appeal Panel will consist of people not previously involved in the investigation. The Appeal Panel will: Invite the employee to a meeting within 10 working days of receiving the appeal or without necessary delay where for good reason it is not possible to hold the meeting within 10 days.

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The decision of the Appeal Panel will be communicated to the Directors and Apple Blossom Kindergarten prior to the employee being informed. Their decision is final.

Written by Kate Gray

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