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41. Disciplinary and Grievance Procedure for Employees

41.1 Disciplinary and Grievance Procedure for Employees: Minor Disagreements

Minor disagreements among nursery staff, or between staff and owners, can usually be resolved at the regular staff management meeting or informally by discussion.

41.2 Disciplinary and Grievance Procedure for Employees: Disciplinary Procedure

A more serious situation arises when a dispute cannot be resolved, or when the owner 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 should be given reasonable notice (5 days) that a disciplinary hearing is due to take place to give the opportunity to prepare a case, and they should be offered the opportunity to be accompanied by a colleague or union representative if they wish. The disciplinary panel would consist of the owner of the nursery and be accompanied, if possible, by the employee's manager or the nursery deputy.

Verbal warning

The employee should be interviewed by the panel who will explain the complaint. The employee will be given full opportunity to state their case. After careful consideration by the manager and if the warning is appropriate, the employee needs to be told:

1. What action should be taken to correct the conduct.
2. That they will be given reasonable time to rectify matters.
3. What training needs have been identified, with timescales for implementation.
4. What mitigating circumstances have been considered in reaching the decision.
5. That if they fail to improve then further action will be taken.
6. That a record of the warning will be kept.
7. That they may appeal against the decision within a limited time (5 days).

Formal 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 an initial oral warning: The employee will be interviewed and given the opportunity to state his/her case. (Reasonable time must be allowed for the employee to prepare their case.) If a further formal warning is appropriate, this will be explained to the



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employee and a letter confirming this decision will be sent to the employee. The letter will:

1. Contain a clear reprimand and the reasons for it.
2. Explain what corrective action is required and what reasonable time is given for improvement.
3. State what training needs have been identified, with timescales for implementation.
4. Make clear what mitigating circumstances have been considered in reaching the decision.
5. 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.
6. Explain that s/he has a right to appeal against the decision.

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. The employee will be interviewed and given the opportunity to state their case. (Reasonable time must be allowed for the employee to prepare their case.) If a final warning is appropriate, this will be explained to the employee and a letter confirming this decision will be sent to the employee.

The letter will:

1. Contain a clear reprimand and the reasons for it.
2. Explain what corrective action is required and what reasonable time is given for improvement
3. State what training needs have been identified, with timescales for implementation.
4. Make clear what mitigating circumstances have been considered in reaching the decision.
5. Warn that failure to improve will result in further disciplinary action which could result in dismissal
6. Explain that they has a right to appeal against the decision.

Dismissal

If the employee still fails to correct their conduct, then:

The employee will be interviewed as before.

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.



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Suspension

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

Instant dismissal is possible only in extreme circumstances of gross misconduct. Examples of such misconduct would be:

- Theft or fraud
- Ill-treatment of children
- Assault
- Malicious damage
- Gross carelessness which threatens the health and safety of others.
- Being unfit through use of drugs or alcohol

Otherwise, an employee should not be dismissed without appropriate warnings.

Grievance procedure

If an employee is dissatisfied, they must have the opportunity for prompt discussion with the manager/owner.

If the grievance persists, a management panel should be set up for the purpose of further discussion, at which the employee may, if they wish, be accompanied by a colleague.

There must be a right of appeal, to the owner of the nursery. At this level also, the employee's colleague or trade union official may be present.

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

Appeals

At each stage of the disciplinary procedure the employee must be told they have the right to appeal against any disciplinary action, and that the appeal must be made in writing to the nursery owner within five days of a disciplinary interview. The appeal hearing should be heard, if possible, within 10 days of receipt of the appeal.

The manager, other than those involved in the earlier disciplinary stages should hear the appeal if possible. If this is not possible, the appeal group may consist of the same people as the original panel, and they must make every effort to hear the appeal as impartially as possible. The employee may take a colleague or trade union official to speak for them.

1. The employee will explain why they are dissatisfied and may be asked questions.
2. The manager will be asked to put their point of view and may be asked questions.



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3. Witnesses may be heard and may be questioned by the appeals committee and by the employee and the manager.
4. The committee will consider the matter and make known its decision.

A written record of the meeting will be kept.