



Beechtree Steiner Kindergarten

Staff Disciplinary procedure

Note: The appendix to the contract of employment contains a copy of the ACAS Code of Practice for Disciplinary and Grievance Procedures. This useful document provides guidance for all concerned in a Disciplinary matter.

It is Beechtree policy that the following procedure should be followed when an employee is being disciplined or dismissed. The procedure provides that in normal cases a series of warnings will be given before discipline or dismissal is contemplated. The stages of the procedure that apply when discipline or dismissal is being contemplated comply with the statutory dismissal and grievance procedures.

Matters which may be dealt with under this disciplinary and dismissal procedure include discipline and dismissal for the following reasons:

- misconduct
- sub-standard performance
- harassment or victimisation
- misuse of company facilities including computer facilities
- poor timekeeping
- unauthorised absences

Informal stage

Minor cases of misconduct and most cases of poor performance may be dealt with by informal advice, coaching and counselling. An informal oral warning may be given, which does not count as part of the formal (or statutory) disciplinary procedure. No formal record of this type of warning will be kept. In most cases management will attempt to resolve matters in an informal manner

Formal stage

If there is no improvement or the matter is serious enough, you will be invited to a disciplinary meeting at which the matter can be properly discussed. You will be allowed to bring a work colleague, friend, relative or Trade Union representative to the meeting. The outcome of the meeting will be communicated to you. There are the following possible outcomes:

Oral warning

In the case of minor infringements you may be given a formal oral warning. A note of the oral warning will be kept on your file but will be disregarded for disciplinary purposes after a specified period. This will be 3 months in most circumstances. You have the right to appeal against a formal oral warning.

Written warning

Date..... Review Date.....

Signed by trustee..... Name.....

Signed by Beechtree staff member

Name and position

If the infringement is more serious or there is no improvement in conduct after a formal oral warning you will be given a formal written warning giving details of the complaint, the improvement or change in behaviour required, the time-scale allowed for this, the right of appeal and the fact that a final written warning may be given if there is no sustained satisfactory improvement or change. A copy of the written warning will be kept on file but will be disregarded for disciplinary purposes after a specified period, normally 6 months.

Final written warning

Where there is a failure to improve or change behaviour during the currency of a prior formal written warning, or where the infringement is sufficiently serious, you may be given a final written warning. This will give details of the complaint, warn that failure to improve will lead to dismissal and refer to the right of appeal. The final written warning will be kept on file but will normally be disregarded for disciplinary purposes after a specified period between normally 6 and 12 months.

Dismissal

If your conduct or performance still fails to improve the final step will be to contemplate dismissal. If management is contemplating dismissing you they must follow the "Standard Disciplinary and Dismissal Procedure" which is a statutory requirement. Failure to do so will usually result in a finding of automatically unfair dismissal.

The Standard Disciplinary and Dismissal Procedure

Step 1: Set up a Disciplinary Panel

A Disciplinary panel will be appointed by a Trustee with personnel duties. This panel will normally be the Kindergarten Manager and the Trustee. When disciplining the Kindergarten Manager the panel will consist of two Trustees. One panel member will act as Disciplinary Panel Chair, referred to from now as the Chair.

Step 2: Chair gives employee a written statement and calls a hearing

The Chair will set out in writing your alleged conduct, characteristics or other circumstances which lead him/her to contemplate dismissing or taking disciplinary action against you. The Chair will inform, in the written statement of the basis on which he/she has made the allegations against you. If possible the Chair will provide you with copies of any relevant evidence against you. The Chair will invite you to a hearing with the Disciplinary Panel to discuss the matter. Employee will be informed of the maximum level of disciplinary sanction they might face: ie: oral warning, dismissal etc.

Step 3: Meeting is held and Chair informs employee of the outcome

The meeting will take place before any action, other than suspension on full pay, is taken. The meeting will be held without undue delay but only when you have had a reasonable opportunity to consider your response to the employer's written statement and any further verbal explanation the employer has provided. You must take all reasonable steps to attend the meeting.

After the meeting the Convenor will inform you of the Disciplinary Panels decision and notify you of your right to appeal against the decision if you are not satisfied with it.

You may bring a suitable companion to the hearing see General Principles below.

Step 4: Appeal against the disciplinary decision if necessary

If you wish to appeal you must inform the Kindergarten Manager or Chair in writing within a reasonable time. The Disciplinary Panel Chair will arrange for an Appeal Panel to hear the meeting. The Appeal panel will where practicable consist of two Trustees not previously involved in the Disciplinary procedure. One of the panel will act as Appeal Panel Chair.

Date..... Review Date.....

Signed by trustee..... Name.....

Signed by Beechtree staff member.....

Name and position.....

Step 5: Appeal Hearing

The Appeal Panel Chair will invite you to attend a further meeting. You must take all reasonable steps to attend the meeting. The appeal hearing may take place before or after dismissal or disciplinary action has taken effect. After the appeal hearing the Appeal Panel Chair will inform you of the final decision and will confirm it in writing as soon as practicable.

Gross misconduct

If after investigation it is confirmed that you have committed one of the following offences (the list is not exhaustive), it is possible that you will be dismissed:

- theft
- fraud and deliberate falsification of records
- physical violence
- serious bullying or harassment
- deliberate damage to property
- serious insubordination
- misuse of an organisation's property or name
- bringing the employer into serious disrepute
- serious incapability whilst on duty brought on by alcohol or illegal drugs
- serious negligence which causes or might cause unacceptable loss, damage or injury
- serious infringement of health and safety rules
- serious breach of confidence (subject to the Public Interest (Disclosure) Act 1998).

While the alleged gross misconduct is being investigated, you may be suspended, during which time you will be paid. Any decision to dismiss will be taken by Beechtree only after a full investigation.

The Standard Disciplinary and Dismissal Procedure applies to dismissals for gross misconduct.

The following principles apply to the Standard Dismissal and Disciplinary Procedure

1. The people who have authority to discipline you in accordance with this procedure are Early Years Coordinator and a Trustee responsible for Personnel or when appropriate two Trustees..
2. You have the right to be accompanied to any meeting by a Trade Union representative or a fellow employee, friend or relative. No legal representation other than by your Trade Union Rep.
3. Each step in the procedure will be taken without unreasonable delay and hearings will be held at reasonable times and locations.
4. Meetings will be conducted in a manner that enables both employer and employee to explain their cases.
5. Records will be kept detailing the nature of any breach of disciplinary rules or unsatisfactory performance, your defence or mitigation, the action taken and the reasons for it, whether an appeal was lodged, its outcome and any subsequent developments. These records will be kept confidential.

Date.....

Review Date.....

Signed by trustee..... *Name*.....

Signed by Beechtree staff member

Name and position.....



Beechtree Steiner Kindergarten

Staff Grievance procedure

It is Beechtree policy to ensure that any employee with a grievance has access to a procedure, which can lead to a speedy resolution of the grievance in a fair manner.

Most routine complaints and grievances are best resolved informally in discussion with your immediate line manager.

Where the grievance cannot be resolved informally it will be dealt with under the following procedure that complies with the statutory standard four step grievance procedure.

The Standard Grievance Procedure

Step 1: Employee gives written statement of grievance

You must put your grievance in a written statement of grievance and send a copy to Kindergarten Manager. Where the grievance is against the Kindergarten Manager the matter should be raised with the Trustee responsible for Personnel. Grievances against Trustees should be raised with another Trustee.

Step 2: A Grievance Panel is set up

The Panel will normally consist of the Early years Coordinator and the Trustee with Personnel duties. Another Trustee will be substituted for panel members who are subject to the Grievance.

Step 3: Meeting is held and Trustee informs employee of the outcome

The Panel will invite you to attend a meeting to discuss the grievance. The meeting will only take place once you have informed the Panel of the basis for the grievance you have set out in your written statement, and the Panel members have had a reasonable opportunity to consider what response to make. You must take all reasonable steps to attend the meeting.

After the meeting The Trustee Panel Member must inform you of the decision taken in response to the grievance and notify you of your right to appeal if you are not satisfied with the employer's decision.

Step 3: Appeal if necessary

If you wish to appeal you must inform a Grievance Panel member. The Panel will set up an Appeal Panel. The Appeal Panel will then invite you to attend another meeting. You must take all reasonable steps to attend. Appeals will be heard by a panel of two Trustees who as far as is practicable will have not been involved in the grievance procedure so far. After the meeting the a Appeal Panel member must inform you of the decision taken.

The Modified Grievance Procedure

The Modified Grievance Procedure will apply in relation to your grievance only if:

- you no longer work for the employer

Date..... Review Date.....

Signed by trustee..... Name.....

Signed by Beechtree staff member.....

Name and position.....

- you have agreed with your employer in writing that it will apply
- you raised it before you left, but the standard procedure wasn't completed, or you didn't raise it until after you left

There are two steps within the Modified Grievance Procedure:

Step 1: Employee gives written statement of grievance

You must put your grievance in a written statement and send a copy to the Kindergarten Manager.

Step 2: Employer gives written response

A Grievance Panel must write back to you giving their response to the points you have raised.

Principles Applicable to the Standard and Modified Grievance Procedure

1. Each step in the grievance procedure should be carried out without unreasonable delay. The times and locations of meetings should be reasonable.
2. Meetings must be conducted in a way that allows both parties to explain their case.
3. Records should be kept detailing the nature of the grievance raised, the employer's response, any action taken and the reasons for it. These records should be kept confidential.
4. You have the right to be accompanied to the hearing by a Trade Union representative, friend, relative or a fellow employee. No other form of legal representative is allowed.
5. There are some cases in which the statutory procedure does not have to be followed or does not have to be followed in full, for example where your grievance is about the fact the employer intends to dismiss you. In these cases, the employer will not necessarily follow the statutory procedures set out above.

If you want to seek resolution of a grievance you must contact the Kindergarten Manager/Trustee .

Date..... *Review Date*.....

Signed by trustee..... *Name*.....

Signed by Beechtree staff member

Name and position