

Disciplinary, grievance and capability Policy

Disciplinary

Our disciplinary procedure is designed to encourage all employees to achieve high standards of conduct, attendance and work performance. The procedure provides a fair, effective and consistent method of dealing with disciplinary matters. You are expected to know the standard of conduct or work performance expected of you. You will be allowed to respond to any alleged fault or failing.

You are always entitled to be accompanied by a work colleague or a recognised trade union representative at a disciplinary meeting. For minor or isolated infringements of rules or expected behaviour, the early years setting may give you informal advice, coaching and guidance. If your conduct or performance fails to improve as a result of this advice, coaching or counselling, or where the offence is more serious, then the disciplinary procedure will be applied.

We consider the following issues to constitute gross misconduct:

- theft, fraud and deliberate falsification of records, expenses, qualifications and
- other offences of dishonesty
- physical violence
- serious bullying or harassment deliberate damage to property
- conviction of a criminal offence relevant to the employee's role gross negligence
- serious insubordination
- misuse of the setting's property or name
- misuse of electronic communications which defames individuals or brings the organisation into disrepute
- bringing the organisation 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 failure to comply with policies, procedures and legal requirements, including those that safeguard children
- serious breach of the early years setting's and statutory policies
- serious breach of confidentiality (subject to the Public Interest (Disclosure) Act 1998)

- defaming or bad mouthing the setting on social networking sites serious
- breaches of the General Data Protection Regulation
- bribery and corruption
- breach of confidentiality

This is not an exhaustive list.

Grievance

If you have a complaint about your individual circumstances at work, then you are entitled to raise a grievance. The key steps for resolving a grievance are:

- Discuss ordinary day-to-day issues informally with your manager through supervision meetings, or if necessary request a separate meeting. Where this is not possible, you should raise your concerns verbally with the next level of management, prior to raising a formal grievance.
- If after seeking to resolve your concerns informally you are not satisfied, then write to the early years setting, explaining your grievance.
- We will invite you to a meeting to discuss the grievance. You will have the right to be accompanied at the meeting by a work colleague or trade union representative. The outcome of the meeting will be confirmed to you in writing.
- You will have the right of appeal. Following an appeal the final decision will be confirmed to you in writing.

Capability Procedure

Our capability procedure is designed to ensure that cases of unsatisfactory performance are dealt with similarly and fairly, with the prime objective of improving an employee's performance to the required level. The procedure seeks to establish whether a concern about work performance is a misconduct or capability issue. Performance concerns due to lack of knowledge or skills are normally addressed through the early years setting's capability procedure. For example, if you are incapable of working to required standards through no fault of your own, then the setting's capability procedure will come into effect. Concerns about work performance due to carelessness, neglect or lack of effort are dealt with through the disciplinary procedure as misconduct.