



STAFF DISCIPLINARY POLICY AND PROCEDURE AND STAFF GRIEVANCE POLICY AND PROCEDURE

STAFF DISCIPLINARY

Fusion Childcare Services aims to have a team of well-motivated, highly skilled and professional staff. However, should the behaviour or performance of a member of staff fall below the high standards that we expect we will follow the procedure set out below.

Staff will not be dismissed for a first breach of discipline except in the case of gross misconduct.

Staff have the right to appeal at all stages of the procedure and this will be confirmed within the warning or dismissal letter. The member of staff will have the opportunity to ask questions and answer allegations and has the right to be accompanied by a colleague or union representative.

Minor offences- The Manager will try to resolve the matter by informal discussions with the member of staff or bring forward a supervisory. If this does not resolve the problem, the formal disciplinary procedure will be followed.

Keeping notes of warnings - Notes of warnings will be kept in the staff member's personnel file.

Formal disciplinary procedure:

The stages of the formal disciplinary procedure are:

1. Formal verbal warning
2. First written warning
3. Second written warning
4. Dismissal Disciplinary meetings

For each stage of the procedure the Manager will hold a disciplinary meeting with the member of staff to explore the misconduct or performance issue, and, if still applicable following the discussion at the meeting, will then issue the appropriate type of warning (or dismissal notice).

Before the meeting: Before each disciplinary meeting the Manager will write to inform the member of staff of the date and purpose of the meeting, of the specific disciplinary issue to be discussed, and of their right to be accompanied by a colleague or union representative.

After the meeting: Following each disciplinary meeting the manager will write to the member of staff to confirm:

- that a verbal, first written or final written warning has been issued (depending on the stage of the disciplinary process)
- what the warning was for
- what improvement in conduct or performance is expected and within what timescale
- the consequences of further misconduct or lack of performance
- how long the warning will be kept on file
- how they can appeal against the decision.

Stage 1: Formal verbal warning

The Manager will give the member of staff a formal verbal warning which must include:

- The reason for the warning
- That this is the first stage of the disciplinary procedure
- An explanation of their right to appeal
- A note of the warning will be kept on the staff member's personnel file, but it will be disregarded after six months if their performance or conduct is satisfactory.

Stage 2: First written warning

If the offence is a serious one, or if there is no improvement, the Manager will give the member of staff a written warning which must:

- Give details of the complaint
- Warn that a final written warning will follow if there is no improvement in their conduct or behaviour, or if there is a further breach of Fusion's statutory rules and regulations.
- Explain their right to appeal.
- A copy of the written warning will be kept on their personnel file but will be disregarded after 12 months if their performance or conduct is satisfactory.

Stage 3: Final written warning

If there is still no improvement in the staff member's performance after regular monitoring and support, the Manager will give them a final written warning which:

- Gives details of the complaint
- Warns that dismissal will result if there is no satisfactory improvement
- Explain their right to appeal.
- A copy of the final written warning will be kept on file, but will be disregarded after 24 months if the performance or conduct of the member of staff remains satisfactory

Stage 4: Dismissal

- If, during the period of the final written warning, there is a further breach of Fusion's statutory rules and regulations, or if the member of staff's performance has still not improved, dismissal will normally result. Immediately after the final disciplinary meeting the Manager will write to the member of staff to confirm:
 - that at the disciplinary meeting it was decided that their conduct/performance was still unsatisfactory and that they will be dismissed
 - why they are being dismissed
 - when their last day of service will be
 - how they can appeal against the decision. If the decision was taken not to dismiss the member of staff, this must also be confirmed in writing.

Gross misconduct- Staff will be dismissed without notice if they are found to have committed an act of gross misconduct. Examples of gross misconduct include:

- Child abuse
- Failing to comply with health and safety requirements
- Physical violence
- Ignoring a direct instruction given by the Manager
- Persistent bullying, sexual or racial harassment
- Being unfit for work through alcohol or illegal drug use

- Theft, fraud or falsification of documents
- Being an unfit person under the terms of the Statutory Framework for the Early Years Foundation Stage (Section 75 of the Childcare Act 2006) or the Children's Act 1989.

The Manager/Management Team will investigate the alleged incident thoroughly before any decision to dismiss is made.

Referral to Disclosure and Baring Service- If a member of staff is dismissed (or would have been dismissed if they had not left the setting first) because they have harmed a child or put a child at risk of harm we will make a referral to the Disclosure and Barring Service.

Notification to Ofsted- Fusion will notify Ofsted if a member of staff becomes disqualified, or if any significant event occurs which is likely to affect their suitability. Note that a member of staff could become disqualified through the actions of a partner or housemate.

Appeals- A member of staff wishing to appeal against a disciplinary decision must do so in writing and within five working days of being informed of the decision. A meeting to hear the appeal will be set up no more than ten working days later. If possible, the Director, who was not involved in the original disciplinary action, will hear the appeal and make an impartial and final decision. The member of staff has the right to be accompanied to the appeal hearing. Within ten working days of the appeal hearing, the Manager will inform the member of staff in writing of the outcome of the appeal hearing.

STAFF GRIEVANCE:

At Fusion Childcare Services we aim to have a team of well-motivated, highly skilled and professional staff. However, there may be times when a member of staff has issues or concerns about their working conditions or other aspects of their employment at Fusion. When such issues arise, we encourage staff to discuss them with the Manager as soon as possible so that they can be quickly resolved. Grievances left unaided lead to unmotivated staff and a poor working environment. All members of staff have the right to raise a grievance about issues that arise from their work within Fusion and affect them as an individual and should follow the procedures set out in this policy.

If the concerns relate to safeguarding issues, the staff member should follow the procedure set out in our Safeguarding policy. If the concerns relate to malpractice or wrong doing with regards to the running of Fusion, the staff member should follow the procedure set out in our Whistleblowing policy.

Stage 1: Informal grievance procedure. In the first instance the member of staff should raise the issue with the Manager. If the grievance is a relatively minor one, the Manager will try to resolve the matter through informal discussions, such as supervisorys, which are carried out every calendar month.

Stage 2: Formal grievance procedure:

Grievance statement- If the informal discussion does not resolve the grievance to the satisfaction of the member of staff, the next step is to write and advise the Manager that they intend to invoke the formal grievance procedure. The written notification should include the following details:

- A statement that the staff member is invoking the formal grievance procedure
- The nature of the grievance, giving the background to the issue, any relevant facts (including dates) and the names of any other parties involved.
- Any steps that have been taken on an informal basis to address the concerns
- The staff member's opinion on what their desired outcome would be. The member of staff can have a representative submit the grievance on their behalf if they wish.

Grievance meeting: Within five working days of receiving the grievance, the Manager will reply in writing, acknowledging receipt and inviting the staff member to attend a formal grievance meeting. The meeting will normally take place within ten working days of receipt of the written grievance. The member of staff has the right to be accompanied at the meeting by a work colleague or a union representative. Fusion will be represented by the Manager and/or a member of the Management Team. The purpose of the meeting is to hear the full facts of the situation, and to attempt to resolve the grievance in a mutually acceptable manner. If necessary, a second meeting may need to be arranged in order to gather more evidence.

Outcome and appeals: The Manager/Owner will determine the outcome of the grievance. They may reject the grievance or may uphold the complaint and identify what steps will be taken to resolve it. Within ten working days of the grievance meeting, the Manager will inform the member of staff in writing of the outcome of the grievance, including the reasons for the decision and, where appropriate, details of any steps taken or further actions required to address their concerns, as well as their right to appeal.

Appeals: If the member of staff feels that their grievance has not been satisfactorily resolved they may appeal in writing within five working days, stating their grounds for appeal. The appeal will normally take place within ten working days of receiving the written request for an appeal. Where possible, a senior member of staff who was not involved in the original disciplinary action, will hear the appeal and make an impartial and final decision. The member of staff has the right to be accompanied to the appeal hearing by a colleague or a union representative. Within ten working days of the appeal hearing, the Manager will inform the member of staff in writing of the outcome of the appeal hearing. The member of staff will also be advised of their right to seek advice from ACAS, other professionals and their trade union if they are not satisfied with the outcome of the grievance meeting or the appeal hearing.

Overlapping grievance and disciplinary cases: If a member of staff raises a grievance during a disciplinary process, the disciplinary process may be temporarily suspended in order to deal with the grievance. However, if the grievance and disciplinary cases are related, the Manager/Owner may choose to deal with both issues in parallel.

False or repeated grievances: If a member of staff raises a grievance that, through investigation, proves to be malicious they may find themselves subject to disciplinary action. A member of staff cannot raise the same grievance within 12 months of the resolution, outcome or withdrawal of the original grievance.

Adopted on:	Last reviewed on:	Reviewed on:	Next review Date:
04.09.14	01.04.18	01.04.19	April 2020
<i>Written in accordance with the Statutory Framework for the Early Years Foundation Stage (2017): Safeguarding and Welfare Requirements: Suitable people [3.9-3.13] and Disqualification [3.14-3.16] and Staff qualifications, training, support and skills [3.20-3.22].</i>			
Signed and approved:	Fusion Childcare Services		