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| Reg Charity No: 1096458 |
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## **Disciplinary and Grievance Procedure**

### **Disciplinary Procedure**

#### **Aim**

The aim of the Trustees is to encourage improvement in individual conduct and performance. This procedure sets out the action which will be taken by the trustees when the rules are breached by any staff member or volunteer.

#### **Safeguarding children**

- All accusations about any staff member or volunteer with access to children in our care will be default with in accordance with the safeguarding children section of the disciplinary procedure.
- We ensure that all parents know how to complain about staff or volunteer action within the care club which may include an allegation of abuse.
- We follow the guidance of the Staffordshire safeguarding children board when responding to any complaint that a member of staff or volunteer has abused a child. We respond to any disclosure by children or staff that abuse by a member of staff may have taken, or is taking place, by first recording the details of any such alleged incident.
- We refer any such complaint immediately to the local authority designated officer (LADO) to investigate.
- We co-operate entirely with any investigation carried out by (LADO) in conjunction with the police.
- Our policy is to suspend the member of staff on full pay for the duration of the investigation; this is not an indication of admission that the alleged incident has taken place, but is to protect the staff as well as children and families throughout the process.

#### **Minor disagreements**

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

#### **Principles**

If any of the staff 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 staff will be advised of the nature of the complaint, be given the opportunity to state their case, and be represented or accompanied by a fellow employee of their choice;
- Staff 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;
- Staff have the right to appeal against any disciplinary action taken against them;
- The procedure may be implemented at any stage if they are alleged misconduct warrants such action.

If they request they have the right to be accompanied at a disciplinary hearing by a fellow worker or trade union official.

### **Informal discussions**

Before taking formal disciplinary action, the setting supervisor will make every effort to resolve the matter by informal discussions with the member of staff. Only where this fails to bring about the desired improvement should the formal disciplinary procedure be implemented.

### **First warning**

If conduct or performance is unsatisfactory, then staff will be given a written warning or performance note. Such warnings will be recorded, but disregarded after 24 months of satisfactory service. They 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 care club, it may be justifiable to move directly to final written warning.)

### **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 3 months, action as set out below will be taken.

### **Dismissal or action short of dismissal**

Where a member of staff or a volunteer is dismissed from the care club, or internally disciplined because of misconduct relating to a child, we notify the

Department of Health administrators so that the name may be included on the List for the Protection of Children and Vulnerable Adults.

If the conduct or performance has failed to improve then staff may suffer demotion, or dismissal.

### **Statutory discipline and dismissal procedure**

If a member of staff faces dismissal, or action short of dismissal such as loss of pay or demotion, the minimum statutory procedure will be followed. This involves:

- Step one: a written note to the employee setting out the allegation and basis for it
- Step two: a meeting to consider and discuss the allegation
- Step three: a right of appeal including an appeal meeting

Staff will be reminded of their right to be accompanied.

### **Gross misconduct**

If, after investigation, it is confirmed that an offence of the following nature has been committed (the list is not exhaustive), the normal consequence will be dismissal without notice or payment in lieu of notice:

- Theft, damage to property, fraud, incapacity for work due to being under the influence of alcohol or illegal drugs, physical violence, bullying and gross insubordination.

While the alleged gross misconduct is being investigated, staff may be suspended, during which time staff will be paid their normal pay rate. Any decision to dismiss will be taken by the Trustees of the care club. only after a full investigation.

### **Appeals**

If staff wish to appeal against any disciplinary decision, staff must appeal, in writing within 5 working days of the decision be communicated with the member of staff, to the Chair of Trustees. If possible a senior manager who was not involved in the original disciplinary action will hear the appeal and decide the case as impartially as possible.

## **Grievance Procedure**

### **Introduction**

It is the Trustees policy to ensure that employees with grievance relating to their employment can use a procedure which can help to resolve grievances as quickly and as fairly as possible.

### **Informal discussions**

If any member of staff has a grievance about their employment they should discuss it informal with their immediate supervisor. We hope that the majority of concerns will be resolved at this stage.

- Stage one: if they feel that the matter has not been resolved through informal discussions, they should put their grievance in writing to their immediate supervisor. The care club. supervisor will give a response within 5 working days in an endeavour to resolve the matter
- Stage two: if the matter is not resolved, then staff may raise the matter, in writing, with the playscheme manager, who will give a response within 5 working days. Staff may be represented or accompanied at this meeting by a fellow worker of their choice or by a union official.
- Stage three: if the matter is not resolved to their satisfaction, staff should put their grievance in writing to the Chair of Trustees. Staff will then be entitled to have a meeting with the Chair. The Chair will give his/her decision within 7 working days of the grievance being resolved. The Chair is final.

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| This policy was adopted at a meeting of                     | Trustees | Setting: - Violet Way & Edge Hill care club |
| Held on (date)  |          |   |
| Signed on behalf of the Management Committee/<br>Proprietor |          |   |
| Role of signatory (e.g. chairperson etc.)                   |          | Chair of the trustees                       |