**4: Staff Disciplinary & Grievance Procedure**

Willows will aim to maintain a well-motivated, highly skilled and professional staff team; however, occasionally action will be taken to encourage improvement in individual behaviour and performance. The setting will provide a fair, transparent, effective and consistent method of dealing with disciplinary incidents, our aim is always to support and encourage staff while promoting good employment relations. 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 will 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. If this does not resolve the problem, the formal disciplinary procedure will be followed.

**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 Club rules
* 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, 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
* explains 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 Club rules, or if the member of staff’s performance has still not improved, dismissal will normally result. The manager will give the member of staff written reasons for the dismissal, the date on which their employment ends and information about their right to appeal.

**Special Cases**

If a member of staff is charged or convicted with a criminal offence, this is not normally a reason for disciplinary action. The offence needs to be considered in terms of whether it affects the staff member’s suitability to do the job or their relationship with colleagues and clients.

**Gross misconduct**

In the case of some acts termed gross misconduct, staff will be dismissed for the first offence. In these cases, immediate suspension with pay followed by dismissal will normally result. However, a fair disciplinary process will be followed before dismissing for gross misconduct. The following are examples of serious offences, which are considered gross misconduct.

* Theft
* Fraud or deliberate falsification of the setting’s documents
* Being an unfit person under the terms of the Care Standards Act 2000 or the Children’s Act 2006
* Gross negligence that either causes or might cause injury, loss, or damage to persons or property.
* Child Abuse (for further details refer to the Safeguarding Children policy)
* Indecent conduct
* Deliberately accessing internet sites containing pornographic, offensive or obscene material
* A criminal offence outside of employment which renders the employee unsuitable for work and which is unacceptable to employees
* Inability to fulfil his/her duties because of intoxication by alcohol or drugs
* Failure to attend an interview arranged under the disciplinary procedure without reasonable explanation
* Physical violence towards a colleague, user of the provision or a member of the public
* Deliberate damage or misuse to setting property
* Serious infringement of health and safety rules (for further details refer to the Health and Safety policy)
* Persistent bullying
* Racial or sexual harassment and breaches of the Equality & Diversity, and Race Relations legislation
* Any act of misconduct which is sufficiently serious to destroy the mutual trust and confidence between the setting and the employee concerned

In the case of gross misconduct, the police may be notified. If the police are involved in an investigation, then the suspension deadline will be extended.

While the alleged incident of gross misconduct is being investigated, the individual concerned is likely to be suspended.

The manager will investigate the alleged incident thoroughly before any decision to dismiss is made.

**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, 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.

**Allegations Against Staff**

All staff are advised to minimise time spent alone with children and be aware of the potential risks in doing so (for further details refer to the Safeguarding Children policy)

If an allegation of abuse is made against a member of staff, the manager will follow the procedures of the Safeguarding Children Policy

If an allegation of abuse is made against the manager, then another designated member of staff will report the matter directly to the Proprietor, local Social Services department and Ofsted.

Any member of staff who is dismissed on the grounds of safeguarding concerns, or leaves while under investigation for being unsuitable for work with children, will be referred to the DBS – Disclosure and Barring Service.