



Round and Round the Gardens Childcare

... the natural choice for your child.

Jack Temple Building . Pyrford Road . Pyrford . Surrey . GU22 8UQ
01932 355322

Company Director / Nursery Manager
Suzanne Filson BA (Hons) / EYPS
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Disciplinary & Grievance Procedure

This document sets out the policies, procedures and rules relating to your employment with us. None of these policies, procedures and rules form part of your contract of employment and they may be varied at our absolute discretion.

Please note: This document is in place for both employer and employee, and sets out a clear structure for *why* a 'disciplinary' may occur; *what* is likely to happen; *rights* for employer and employee, and *clarity* to ensure understanding.

1. Policies, procedures and rules

1.1 You are expected to comply with all of our policies, procedures and rules.

2. Performance and Conduct Procedure

2.1 This procedure is designed to help all employees to achieve and maintain standards of conduct, capability, performance, competence and best practice, in accordance with our regulatory body – OFSTED, Surrey Early Years and Childcare, The Early Years Foundation Stage and Statutory documentation and employee requirements as set by Spirit Day Care. We aim to ensure that there is fair treatment for all employees, whatever their level of seniority and/or experience. The procedure will apply to all employees once they have completed their probationary period. The procedure will be reviewed by us on a regular basis and may be amended from time to time at our absolute discretion.

2.2 This policy sets out the procedure that will be followed where an employee conducts him or herself in a manner which is inappropriate or unacceptable; or where his/her or her attitude to work, attendance at work, competence or performance does not reach the required level in accordance with our regulatory body – OFSTED, Surrey Early Years and Childcare, The Early Years Foundation Stage and Statutory documentation and employee requirements as set by R&RG Childcare Limited

2.3 Examples of the performance and conduct which would lead to us following this procedure are detailed below and fall into three main categories:



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- (1) Gross Misconduct
- (2) Misconduct
- (3) Performance

2.4 The following are examples of gross misconduct, misconduct and performance. This list is intended as a **guide** and is not exclusive. The severity or frequency of a specific action for example may mean that it ceases to be mere misconduct and becomes gross misconduct.

- (1) failure to comply with reasonable and lawful instructions
- (2) failure to comply with our policies, procedures, rules or working practices/ethics & ethos, or those as outlined by Ofsted or the Early Years Partnership and Statutory documentation underpinning the Early Years Foundation Stage.
- (3) unauthorised and/or unreasonable absence or consistently poor time keeping. Regular and or persistent time keeping cannot be tolerated, and the Disciplinary procedure will be embarked upon should any employee be late for work more than three times in one term, without just cause, reason or communication.
- (4) dishonesty
- (5) violence or damage to property or each other
- (6) failure to be a good ambassador for the school & company
- (7) breach of confidentiality – **on any level**, whether direct, indirect, intentional or unintentional
- (8) negligence or irresponsibility in carrying out duties as set out in the standard job description; in accordance with the companies contract of employment, and embodied in the companies policies and procedures
- (9) putting children, staff, fellow colleagues, parents, visiting professionals or others at risk: mentally, physically, emotionally, ethically or spiritually
- (10) abuse of status or responsibilities



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- (11) incapability through alcohol, persistent absence through illness, injury or other, poor time-keeping, inability to 'manage work responsibilities, non-prescribed drugs or other substances
- (12) intransigent or unreasonably negative attitude – poor conduct or bullying of fellow employees, management, parents, visiting professionals, students, children et al. Please read the 'rider' attached to, and which forms part of this document.
- (13) any form of harassment, including sexual and racial harassment or bullying of employees or others. Please read the 'rider' attached to, and which forms part of this document.
- (14) inappropriate use of foul or abusive language in the workplace, or use of a tone deemed to be inappropriate, unkind, rude and unnecessary.
- (15) failure to comply with our sickness notification and certification procedures
- (16) incapability
- (17) incompetence
- (18) lack of application

Principles of the Procedure

2.5 Investigation

- (1) All complaints or concerns about an employee will be fully investigated and considered before a decision is taken under this procedure.
- (2) We have the right to suspend on full pay an employee against whom a complaint is made while that complaint is investigated. Such suspension is not considered to be disciplinary action. During any period of suspension, you will continue to receive your salary. In harassment cases, it may be necessary for the complainant and the alleged harasser to be suspended. During any such period of suspension, we may require the employee not to enter any



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premises of work and to refrain from contacting any clients, employees or suppliers of ours.

2.6 Hearings

- (1) If after investigation we consider that formal disciplinary action may be appropriate, we will hold a hearing. Normally, at least 3 days before the hearing you will be given written details of the allegations made against you. The hearing will be held during working hours at a venue within a reasonable distance of your normal place of work, unless otherwise agreed by you and us.
- (2) If you have any documents which you want us to consider at the hearing, you should provide a copy to us in advance. You should let us know if you are aware of any witnesses who may be able to provide evidence with regards to the allegations made. You should also inform us of any special arrangements needed at the hearing (for example to cater for any language difficulty or disability, or to arrange child care for example).
- (3) The employee, at an appropriate meeting or hearing, will be given the opportunity to put forward his/her views and facts relating to the matters raised before a decision is taken under this procedure. All employees will be listened to carefully.
- (4) You are entitled to be accompanied at the hearing by a fellow worker of your choice or an accredited union representative. If you wish to be accompanied by a fellow worker, that worker will be entitled to take a reasonable amount of time away from his/her or her normal duties to discuss the matter with you and accompany you at the hearing without loss of pay. You must notify us of the name and status of the person in writing whom you wish to accompany you at least 24hrs before the hearing.
- (5) If your chosen companion cannot attend the hearing at the time proposed, you may offer an alternative time, which must be within three working days after the time originally proposed, provided the alternative time is reasonable.



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- (6) The worker or union representative who accompanies you may address the hearing on your behalf and confer with you, but **may not** answer questions on your behalf.
- (7) At each stage of the procedure the employee will be fully advised as to the nature of the complaint or concern about him/her and told whether or not any meeting or hearing may lead to dismissal.
- (8) If appropriate, the hearing may be adjourned either during or after the hearing and prior to reaching a decision. The decision reached will be confirmed in writing.

2.7 Appeals

- (1) The employee will have the right to appeal against any decision taken under this procedure.
- (2) An employee wishing to appeal against a decision under the procedure must inform us in writing **within 5 working days** of having been notified of the decision he/she is appealing against. The notification **must** include the employee's grounds of appeal. Where possible, appeals will be determined by someone who was not involved in the disciplinary decision from which the appeal is made.
- (3) The result of any appeal will be final. The employee will be notified in writing of the outcome. No further appeal may be made.
- (4) If you appeal from a decision to dismiss, your dismissal will be effective as at the date specified in your dismissal letter unless your appeal is upheld, in which case you will be reinstated and your employment will be deemed to have continued during the period until the appeal was heard.

Sanctions for Gross Misconduct and Misconduct

- 2.8 The following sanctions will apply in case of alleged misconduct or gross misconduct. We may move straight to the second, third or fourth stage of the procedure where appropriate.



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2.9 Stage One - Verbal

- (1) If an employee's conduct is not of an acceptable standard, s/he will be warned verbally of this. The employee will be given reasons for this, as well as suggestions, if appropriate, on how to improve standards of conduct; perhaps through training, counselling ongoing mentoring and such. Even though stage one presents itself as a verbal warning, a letter will be written to the employee explaining that they have received a verbal warning.

2.10 Stage Two - Written

- (1) If the employee's conduct does not improve, or any further unacceptable conduct occurs, then the employee will be warned of this in writing and informed of the nature of our concerns about his/her conduct and what action is required to remedy the situation.
- (2) We may begin with stage two of the procedure for a first instance of unacceptable conduct if the matter is considered by us to be sufficiently serious.

2.11 Stage Three - Final Written

- (1) If an employee's conduct does not improve, or any further unacceptable conduct occurs, then the employee will be warned of this in writing and informed that should his/her conduct not reach an acceptable standard his /her employment may be terminated.
- (2) We may begin with stage three of the procedure for a first instance of unacceptable conduct if the matter is considered by us to be sufficiently serious.

2.12 Stage Four - Dismissal

- (1) If an employee's conduct, does not improve, or any further unacceptable conduct occurs, then the dismissal of the employee normally follows, after the full consideration of the matter at an appropriate meeting or hearing. Dismissal may be with or without notice depending on the circumstances. Where it appears that there may be grounds on which the employment of the employee may be terminated summarily (e.g. because of gross misconduct) we will normally begin with this stage of procedure.



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Sanctions for Poor Performance

- 2.13 The following procedure will apply in cases of poor performance.
- (1) **First Warning:** In the first case of poor performance, you will normally be given a first warning. This warning will be given to you in writing and will specify the nature of the poor performance and the nature of the improvement required, together with a clear plan of support, training, counselling and in some cases a pro forma for reflective practice. The warning will also state that your performance will be reviewed at a set date after the date of the warning
 - (2) **Final Warning:** In the second case of poor performance or where an employee fails to achieve the improvement required by the first warning by the set date, you will normally be given a final warning. This warning will be given to you in writing and will state the nature of the poor performance and the nature of the improvement required. The warning will also confirm that, unless your performance improves to a specified standard within a specified period after the date of the warning, your employment may be terminated. If appropriate, you may be offered training, support, a development plan and/ or other assistance to help you achieve the required standard of performance. Performance will be reviewed.
 - (3) **Dismissal:** If you fail to achieve the improvement required by the final warning within the specified period, you will normally be dismissed. The decision to dismiss you will be notified to you in writing.
- 2.14 In exceptional cases where the actual or potential consequences of a single negligent act or omission are, or could be very serious, we may decide that it is not appropriate to follow the above procedure and we may in such cases dismiss you without giving prior warnings and with immediate effect (without any right to notice or payment in lieu of notice).
- 2.15 Subject to satisfactory performance and conduct, any warning under this procedure for poor performance will lapse after 12 months or such other period as we specify in the warning.



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3. Grievance Procedure

3.1 Introduction

- (1) The purpose of this formal grievance procedure is to enable employees who have a problem, concern or grievance about their work, working environment or working relationship to have that problem dealt with formally at the appropriate level in the organisation within as short a time as practical. This procedure applies to all employees regardless of their length of service.

3.2 Informal Procedure

- (1) You may be able to resolve any grievance you have by way of an informal discussion with your line manager. It will be the case that the Business Services Manager or Provision Manager/Company Director will be present to take minutes of the conversation, but will, in no way contribute in any way whatsoever to the content of the meeting. The meeting will be confidential and remain so, however there may be a need to divulge information to a third party who may, in order to resolve the situation or for legal reasons, need to be informed.
- (2) If this Informal Procedure is not possible or appropriate, however, you should use the following procedure.

3.3 Formal Procedure

- (1) If you wish to raise a formal grievance, you should put your grievance in writing.



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- (2) If your line manager considers it appropriate, they will where possible within 5 working days of the receipt of a grievance, arrange for you to attend a grievance hearing with him/her to be held within the next 5 working days. (It will be the case that the Company secretary will be present to take minutes of the conversation, but will, in no way contribute in any way whatsoever to the content of the meeting. The meeting will be confidential and remain so, however there may be a need to divulge information to a third party who may, in order to resolve the situation or for legal reasons, need to be informed.) Such a meeting may be held by the Nursery Deputy Manager, Provision Senior, Business Manager/Company Secretary, Nursery Manager/Company Director.
- (3) At the hearing you will be given the opportunity to state and discuss your grievance.
- (4) Further investigation may be made as your line manager deems appropriate and action may be taken.
- (5) Your manager will confirm her response to the grievance in writing normally within 5 working days of the hearing or, if no hearing is held, within 5 working days of receipt of the written grievance. The decision will be final and the grievance procedure is exhausted at this stage.

3.4 **Right to be accompanied at the grievance hearing**

- (1) You are entitled to be accompanied at the grievance hearing by a fellow worker or accredited union representative.
- (2) If you wish to be accompanied by a colleague, that colleague will be entitled to take a reasonable amount of time away from his/her or her normal duties to accompany you at the hearing. You must notify us of the name and status of the person prior to the hearing.
- (3) If your chosen companion cannot attend the hearing at the time proposed, you may offer an alternative time, which must be within 5 working days after the time originally proposed, provided the request is reasonable.
- (4) Your companion may address the hearing on your behalf and confer with you, but **may not** answer questions on your behalf.



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3.5 Records

- (1) Where possible, records will be kept detailing the nature of the grievance and the action taken as a result, if any. These records are confidential and shall be treated as such by all persons involved in the grievance procedure, or those who have not be party to the procedure but will need to be informed i.e. solicitor.

3.6 Collective grievances

- (1) We reserve the right to apply a different procedure in circumstances where the same grievance is raised collectively.

Where to go for advice:

Employees wishing to seek advice may find the following list useful for reference:

Jaluch HR Services

ACAS

Surrey Early Years and Childcare

Ofsted

The provisions' Early Years Advisor

Policy on Conduct and Bullying

Introduction:

We believe that it is important to 'breed' a 'culture' where conduct excels and bullying is extinguished.

Everyone has the right to be treated fairly and with kindness: staff, children, parents, visiting professionals, students et al. All employees have the right to work safely and happily, and to be protected if they feel vulnerable.



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Bullying or poor 'inter-staff' conduct will not be tolerated. Whenever there is concern over unacceptable conduct or alleged unacceptable conduct or bullying, it will be investigated.

Aims:

The central aim of this policy is to ensure staff conduct is exemplary and to prevent unacceptable conduct or bullying.

To achieve this:-

- The provision aims to promote a culture which says that poor conduct or bullying is wholly unacceptable
- The provision will ensure that employees are aware of the 'chain of command' and that they are protected by the 'whistleblower' policy.
- The provision will take firm action in all cases of unacceptable conduct or bullying.

Statement on Unacceptable Conduct and Bullying:

What constitutes unacceptable conduct and/or bullying?

- Spreading rumours, persistent teasing, 'back-biting', use of malicious or hurtful words, deeds or actions
- Making fun of someone or making someone feeling stupid, inadequate or unwanted.
- All abuse including racist, cultural and sexist/sexual
- Abuse of employees with disabilities, learning difficulties or additional needs
- Homophobic bullying



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- Physical violence, whether directly and physically hurting someone, or unacceptable physical actions directed towards someone
- Cyber bullying – using text/sms messages or ICT to bully or behave unacceptably.

eBullying/Unacceptable Conduct:

With an ever increasing use of communication methods, the opportunities for bullying or unacceptable behaviour have increased. eBullying, also known as Cyber-bullying, is the term used to refer to bullying and harassment by using text messages, sms messages, instant messages, the Internet, PCs, PC/ICT applications such as Facebook, Twitter et al, PDAs, mobile 'phones, or any ICT to threaten, spread rumours, gossip, tease or insult.

If the provision discovers that any employee is found to be Cyber-bullying another employee, professional etc., it will be dealt with, even if, for example, the cyber-bullying takes place outside of work hours, or at the weekend.

Any employee who believes they are a victim of Cyber-bullying should follow the steps for complaint outlined in the Grievance Procedure.