

This policy will be reviewed in full by the Senior Management Team on an annual basis.

Date the policy was last reviewed and agreed	Senior Manager		Manager	
	Name	Signature	Name	Signature
October 2026	Natasha Smyth			

This policy is due for review up to 12 months from the above date

Grievance & Disciplinary Policy

Legal Basis: Related Sub Section in The Statutory Framework for The Early Years Foundation Stage

N/A

1 INTRODUCTION

We understand that occasionally staff may have a complaint (Grievance) to do with the work, the company, or the people they work with. Equally the company may have concerns about a staff member's competency or conduct at work resulting in further (Disciplinary) action being taken. This policy sets out the process for each case. Where there is a discrepancy between this policy and other documents, this policy prevails.

2 GRIEVANCE

If you have a problem at work, you can raise it formally or informally with a senior member of staff.

It's usually best to try raising it informally first. Dealing with a problem informally means taking steps to resolve it without using a formal procedure like a grievance. You might feel nervous about raising a problem. But we are open to resolving problems quickly without going through a formal procedure as this can often resolve it more quickly and help maintain positive relationships at work. An informal discussion with a senior member of staff can range from a private conversation to a more structured meeting.

When you talk to a senior member of staff about a problem, they will take it seriously and look into it as soon as possible. They might be able to resolve the problem straight away. For example, if it's a misunderstanding about pay. If they cannot resolve the problem straight away, they will arrange an informal meeting with you to find out more about the issue and talk to you about the best way to resolve the problem.

If you have a problem with someone you work with, senior staff will discuss this with you and, if possible, agree with you what they will do. The usual steps are:

- Having a private conversation with the other person to discuss the problem. Often this is enough to resolve matters, especially if someone has upset you without meaning to.
- If the problem is more complicated, a senior member of staff will hold an informal meeting with you and the other person. They should agree this with you in advance so you know what to expect and can prepare for it. You must be prepared to voice your concerns openly so that a solution can be found.

You can raise the problem formally if:

- you've already tried to resolve things informally but it did not work
- you feel the situation is too serious to be resolved informally

Raising a problem formally is known as 'raising a grievance'. The setting might want to deal with the problem formally if we feel it is very serious. We cannot insist that you raise it formally but can still investigate it and take appropriate action.

Although we encourage you to try informal resolution first, you can decide to go straight to raising a grievance and raise a problem formally, if that's what you want. If we cannot agree on an approach together, we will deal with it formally.

Grievance Procedure

Dealing with grievances informally

- If you have a grievance or complaint about your work or someone you work with you should start by speaking with a manager wherever possible. You may be able to agree a solution informally between you.

Formal grievance

- If the matter is serious or you wish to raise it formally you should put the grievance in writing to your manager. You should keep to the facts and avoid language that is insulting or abusive.
- If your grievance is against your manager **and** you feel unable to approach them, you should raise it with the senior manager.

Grievance hearing

- Your manager (or senior manager) will call you to a meeting, usually within 5 working days, to discuss your grievance. You have the right to be accompanied by a colleague or trade union representative.
- After the meeting your manager (or senior manager) will give you a decision in writing, usually within 24 hours.
- If the manager needs more information before making a decision, they will inform you of this and the timescale.

Appeal

- If you are unhappy with the decision on your grievance you can raise an appeal. You should tell your manager.
- You will be invited to an appeal meeting, normally within 5 working days, with a more senior manager (or the owner). You have the right to be accompanied by a colleague or trade union representative.
- After the meeting the senior manager (or owner) will give you a decision, usually within 24 hours. The senior manager's (or owner's) decision is final.

3 DISCIPLINARY

A disciplinary procedure is a formal way for an employer to deal with an employee's

- 'misconduct' – this is unacceptable or inappropriate behaviour
- 'capability' – this is the ability to perform the job properly

Before starting a disciplinary procedure, we will first see whether the problem can be resolved in an informal way. This can often be the quickest and easiest solution.

We will try solving the issue with the employee by:

- privately talking with them and any other staff involved
- listening to their point of view
- agreeing improvements to be made
- setting up a training or development plan, if it's a performance issue

CAPABILITY

Capability or performance is about an employee's ability to do the job.

In this case, we will help the employee improve by offering support, for example through coaching or mentoring. We will provide adequate resources to enable an employee to do their job. This might include giving them training.

If sickness prevents an employee from doing their job, we will take steps to support them to return to work. This might include making reasonable changes to the role if possible, or using a phased return to work. Dismissing someone because their illness prevents them from doing their job is a last resort.

If the illness is classed as a disability, we will do everything we reasonably can to support the employee, however if their disability prevents them from doing their job, dismissal will be the last resort.

CONDUCT

Misconduct is when an employee's inappropriate behaviour or action breaks the organisation's rules, rather than their ability to do the job. Employees usually have more control over conduct issues.

Some examples of conduct issues include:

- regularly being late for work
- calling in sick when they're not genuinely ill
- being absent without permission
- not following health and safety guidelines, if they've been trained in and understand them
- 'insubordination' – for example, refusing to do work
- bullying

Senior members of staff will talk to employees informally first if there are problems with their conduct. This can help to resolve the problem more quickly and avoid formal procedures

This is unless the issue is more serious, sometimes known as 'misconduct' or 'gross misconduct'. In this case, the employer might need to start a formal disciplinary procedure.

Disciplinary Procedure

If an we feel we need to start a disciplinary procedure, we will tell the employee straight away, in writing, in an email. This will include information about the alleged misconduct or poor performance, and possible consequences, for example a written warning.

The employee will have this information in time to prepare for a disciplinary hearing. We follow a full and fair procedure throughout for the protection of the employee, the employer and the setting.

To follow a fair procedure, we must carry out an investigation. This is to get as much information as we reasonably can about their employee's alleged misconduct or poor performance.

Where the investigation shows the employee has a case to answer, we will ask them to a disciplinary hearing. This is a meeting where we (the employer) hear all the evidence before making a decision.

The hearing will be held as soon as possible after the investigation, while giving reasonable time for the employee to prepare.

In good time before the hearing, we will put in writing to the employee:

- the alleged misconduct or performance issue
- any evidence from the investigation
- any other information we plan to talk about
- the date, time and location of the hearing
- information on the employee's right to be accompanied to the hearing
- the possible outcomes

The employee can also bring evidence to the hearing, for example emails, to show and talk about. The hearing is the chance for both us, the employer, and the employee to state their case. Everyone, including the employee's companion, should make every effort to attend. We will take some time after the hearing to consider the case carefully before making a decision. We will tell the employee what happens next and give a timeframe, and take a written confidential record of the hearing.

If the employee is absent or off sick for the disciplinary hearing, We will attempt to contact them and rearrange it once. We will also check if it would help to make other arrangements. For example, holding the hearing online if the employee is worried about coming to the workplace. In some circumstances, if an employee is too sick or not willing or able to attend, we will carry on without them. In this case, we tell the employee and give them the chance to submit a written statement. We will consider all the evidence and tell the employee of our decision in writing. Including about the employee's right of appeal.

We will tell the employee of the outcome as soon as possible and in writing, in an email.

If the employee's conduct or performance has not improved in the timeframe set, we might repeat the disciplinary procedure until either improvements are made or dismissal is the only fair and reasonable option.

If the misconduct or performance issue was found to be small and not serious, we may just have an informal talk with the employee (a 'verbal warning'). We will still keep a confidential written record of informal or verbal warnings for future reference.

A written warning is a formal warning that we may give the employee at the end of the disciplinary procedure.

- A first written warning is usually the first step that we will take when misconduct or poor performance is confirmed.
- After the first written warning, we may give a final written warning if, within a set timeframe, the employee either:
 - repeats or commits another misconduct
 - does not improve performance

We may dismiss the employee, ending their contract in either of these cases:

- 'gross misconduct' – when the employee has done something that's very serious or has very serious effects, for example fraud or physical violence
- the disciplinary procedure has had to be repeated and the employee previously had a final written warning

The employee has the right of appeal.

4 GROSS MISCONDUCT

Gross misconduct is when an employee has done something that's very serious or has very serious effects.

Examples could include:

- Safeguarding or confidentiality breaches
- Physical violence or aggression
- Harassment or discrimination, including bullying
- Policy violations
- Fraud and theft
- 'Gross negligence' – when there's a serious lack of care to their duties or other people
- Serious insubordination – for example refusing to take reasonable instruction from a senior member of staff

We will follow a fair and reasonable procedure if someone is accused of gross misconduct. Depending on the nature of the misconduct, employees may be suspended with full pay while an investigation is carried out.

We will dismiss an employee without giving notice if it's because of gross misconduct. In which case, the employee must leave immediately, does not have a notice period, does not get paid notice pay.

STAFF DECLARATION

I agree that I have read and understood the information set out in this policy, and will abide by it.

I understand that if I have any questions about this policy, I will raise them with my manager prior to signing my agreement below.

Staff Name	Staff Signature	Date