

Staff Discipline & Grievance Policy

PURPOSE AND PRINCIPLES

The procedure is concerned with supporting and maintaining high standards of conduct and discipline within the Preschool & after School. It has been drawn up to provide a fair and consistent way of dealing with alleged misconduct.

The procedure may be invoked at any stage appropriate to the degree of seriousness of the alleged offence.

The staff member is entitled to be accompanied at all stages of the formal procedure and assisted in presenting the case by a colleague or a recognised trade union representative.

In considering the disciplinary action to be taken any mitigating circumstances and the previous record of service of the member of staff concerned, shall be taken into account.

Disciplinary Authority

The Disciplinary Authority is the duly authorised level of management to which disciplinary powers have been delegated, as set out in Appendix 1.

Before considering disciplinary action the line manager/principal/committee shall carry out a preliminary investigation into any allegations of misconduct

The nature of the allegations of misconduct may be such that it is considered appropriate to impose a period of precautionary suspension pending the outcome of criminal or disciplinary investigations or proceedings.

On completion of the investigations the Disciplinary Authority will decide on appropriate action.

If the decision is that formal disciplinary action is not appropriate and that it is sufficient to talk the matter over informally with the member of staff, the difference between informal discussion of this kind and a verbal warning issued as part of the formal procedure shall be made clear. The member of staff shall be left in no doubt about which sort of action has been taken. The aim of such

discussion is to review the issues involved and to seek ways of improving the situation, without recourse to the formal procedure. A brief record of the discussion shall be taken and a copy given to the member of staff.

FORMAL DISCIPLINARY PROCEDURE

Where, following investigation, it is considered that there is a case to be answered the Disciplinary Authority shall invoke the formal procedure.

The member of staff shall be:-

- a. told clearly in writing what is being alleged, provided with a copy of the disciplinary procedure and any documentary evidence to be considered by the Disciplinary Authority and advised of all rights under the procedure, including the right to be accompanied by a colleague or a trade union representative.
- b. given reasonable time to prepare his or her case; and
- c. given the opportunity at a disciplinary interview to state his or her case fully before a decision is reached. Wherever practicable, such an interview shall be held within ten working days of the alleged offence. If more time is needed to consider the matter or further investigations are necessary, the interview shall be adjourned.
- d. Where a police investigation is taking place into either different or related matters at the same time as any internal investigation, the latter investigation may be deferred pending the outcome of the police enquiry.

The Disciplinary Authority shall inform the member, in writing, of its decision as expeditiously as possible having given proper consideration to all the matters raised. A copy shall be provided to the Management Committee.

Verbal Warning

In the case of a minor offence, where, following the disciplinary interview the Disciplinary Authority is not satisfied with the explanation given a verbal warning will be issued and the member of staff informed, in writing, of the consequences of a recurrence of the same or a similar offence or the occurrence of a further offence.

Written Warning

In the case of a recurrence of the same or a similar offence, the occurrence of a serious offence or the occurrence of a further offence, where, following the disciplinary interview, the Disciplinary Authority is not satisfied with the explanation given a written warning will be issued and the member of staff informed, in writing, of the consequences of a recurrence of the same or a similar offence or the occurrence of a further offence.

Final Written Warning

In the case of a further recurrence of the same or a similar offence, the occurrence of a more serious offence or the occurrence of a further offence, where, following the disciplinary interview, the Disciplinary Authority is not satisfied with the explanation given a final written warning will be issued and the member of staff informed, in writing, of the consequences of a recurrence of the same or a similar offence or the occurrence of a further offence.

Further Disciplinary Action

In the case of a failure to respond, or to respond appropriately, to a final written warning, or should the same, a similar or a further offence occur, or in the case of gross misconduct, where, following the disciplinary interview, the Disciplinary Authority is not satisfied with the explanation given, the member of staff shall be subject to such further disciplinary action as the Disciplinary Authority may determine. Whilst not a complete list, such action may include suspension without pay normally not exceeding a maximum of 4 weeks, dismissal or a combination of measures. The decision of the Disciplinary Authority shall be notified to the member of staff in

writing and, where action short of dismissal is taken, the member of staff shall be advised of the consequences of any further disciplinary offence.

A criminal conviction outside employment shall not be treated as an automatic reason for dismissal regardless of whether the offence has any relevance to the duties of the individual. The main considerations shall be whether the offence is one that makes the individual unsuitable for his/her type of work.

PRECAUTIONARY SUSPENSION

A member of staff may be suspended from duty if, in the opinion of the Committee, the Chairperson or management/principal, that a course of action is necessary pending the outcome of criminal investigations or proceedings or disciplinary investigations.

Where the suspension is implemented by the Chairperson the remaining members of the Committee must be informed of such action as soon as possible thereafter. Where the suspension is implemented by the Principal the Chairperson or in his/her absence, the Vice-Chairperson shall be informed of such action. The member of staff shall be given written confirmation of the suspension. The suspension can only be ended by the Committee.

Precautionary suspension in these circumstances, as distinct from suspension as a disciplinary penalty does not imply any decisions about the case.

SUMMARY DISMISSAL

Where, after investigation and a disciplinary hearing, a member of staff is considered to have committed gross misconduct, the Management Committee has the right to dismiss the teacher summarily. Summary dismissal means dismissal without notice and without payment in lieu of notice. Examples of gross misconduct include offences such as theft, physically violent behaviour, obscene behaviour and fraud.

Payment of salary shall cease at the date of the determination to dismiss and the dismissal shall stand subject to the right of appeal. Where an appeal is upheld, salary shall normally be reinstated from the date of the determination, subject to the nature and content of a lesser penalty substituted by the Appeals Committee.

REPRESENTATIONS IN RELATION TO A DETERMINATION TO DISMISS

The Management Committee shall afford the member of staff , whom it proposes to dismiss, an opportunity of making representations either orally or in writing with respect to the proposal and have regard to any representations made. Such representations shall not constitute an appeal.

APPEALS

There is the right of appeal against any disciplinary action.

An appeal, setting out the grounds, must be made in writing to the appropriate appeals body listed in Appendix 2 within ten working days of the date of receipt of the disciplinary decision.

Appeal hearings shall be heard as soon as practicable and no later than twenty working days from the receipt of the appeal unless extended by mutual agreement.

The Chairperson shall fix a date for the hearing of an appeal and shall notify the parties as early as possible as and not later than 5 working days before the date of the hearing. He/she shall invite the parties to make written submissions to be received not later than 3 working days before the date of the hearing and to be exchanged between the parties by the same date.

The result of an appeal shall be notified in writing to the member of staff within 10 working days of the appeal hearing.

The body considering the appeal, as set out in Appendix 2, may:-

- a. dismiss the appeal;
- b. uphold the appeal; or
- c. substitute a lesser penalty

Appendix 1

DISCIPLINARY AUTHORITY

The responsibility for disciplinary action is as follows:-

	DISCIPLINARY ACTION	DISCIPLINARY AUTHORITY
-	- Staff Member	
<u>Disciplinary Level</u>		
i.	Verbal Warning	Principal
ii.	Written Warning	Principal
iii.	Final Written Warning	sub-committee of the Management Committee
iv.	Further Disciplinary Action	sub-committee of Management Committee

Appendix 2

APPEALS BODY

	DISCIPLINARY ACTION	APPEALS BODY
-	APPEALS BY Staff member	
<u>Disciplinary Level</u>		
i.	Verbal Warning	sub-committee of Management Committee
ii.	Written Warning	sub-committee of Management Committee
iii.	Final Written Warning	Management Committee
iv.	Further Disciplinary Action excluding dismissal	Management Committee
v.	Dismissal Representation to	Management Committee

GRIEVANCE PROCEDURE

1. PURPOSE AND PRINCIPLES

The purpose of this procedure is to set out clearly the procedure, including time limits, which should be followed where a member of staff formally raises a matter of grievance as defined in 1.4 below. It should not detract from both parties endeavouring to resolve perceived problems initially through informal means.

The main features of the procedure are:-

The emphasising of the line management responsibility within the setting;

The offering of a formal opportunity to a member of staff to resolve any individual grievance which arises from the contract of employment and or conditions of service.

The opportunity to have a grievance examined quickly and effectively and to have it resolved at the earliest stage possible.

The right to be accompanied at each stage of the procedure, if he/she so desires, by a union representative or colleague.

Time limits which will apply to each stage of the procedure, unless altered by agreement.

This procedure does not apply in circumstances where a member of staff is dissatisfied with action taken under the Disciplinary Procedure.

The operation of the procedure shall comply with the provisions of the Equality of Opportunity policy.

GRIEVANCE PROCEDURE

Stage I

A member who considers a grievance exists in a matter relating to her/his contract of employment and or conditions of service shall initiate the procedure by requesting a meeting with the manager/principal, clearly indicating in writing that he/she is initiating Stage I of the Grievance Procedure, the nature of the grievance he/she considers exists, and the redress sought.

The manager/principal shall arrange for this meeting to take place normally within 2 working days of the matter being formally raised. Following the meeting the manager/principal shall respond within 7 working days from the date on which the meeting took place.

Stage II

If the matter is not resolved, or a reply has not been received the member of staff shall, within 15 working days of the date of the grievance interview with the manager/principal, state in writing the grievance he/she considers exists and the redress sought to the Chairperson of Management Committee.

On receipt of the written statement of the grievance the Chairperson shall arrange for a sub-committee of the Management Committee, to meet the member of staff, reminding him/her of the right to representation. Such a meeting shall normally take place within 10 working days of receipt, of the grievance in writing.

The sub-committee, having considered the grievance, shall refer its findings to Management Committee whose decision shall be given in writing to the member of staff normally within 15 working days of the grievance interview with the sub-committee.