



Drumcondra N.S., Church Ave, Drumcondra, Dublin 9.

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Registered Charity Number: 20116651 CHY 22010

Disciplinary Policy for Employees.
Drumcondra National School
Church Avenue, Drumcondra, Dublin 9.

Policy:

The Board of Management expects to help and encourage all staff to achieve and maintain standards of behaviour, attendance, work standards and performance, referred to as "conduct". This procedure sets out actions which will be taken when the Board rules are breached or standards are not met. The aim is to ensure that disciplinary offences are dealt with quickly, consistently and fairly for all staff.

Principles:

- No disciplinary action will be taken until the matter has been fully investigated and a disciplinary hearing has been held.
- You will receive written notice, at least 5 working days in advance of any disciplinary hearing. This can be varied by mutual agreement. This notice will include details of the allegations made against you.
- At any hearing held under the formal stage, you have the right to be accompanied by a work colleague.
- You will not be dismissed for a first breach of discipline except in the case of gross misconduct.
- You will be invited to state any mitigating circumstances, which you would like to be taken into account.
- Any level of procedure may be implemented at any stage if your alleged misconduct warrants such action.
- After the hearing has been held, and a decision made, you will be provided with an explanation of the penalty imposed.
- You have the right to appeal against disciplinary action taken against you, at each stage of the procedure.

Procedure Summary:

0. Informal Verbal Warning	Stage 0- No Action/Informal Verbal Warning
1. Formal Verbal Warning	Stage 1
2. Formal Written Warning	Stage 2
3. Final Written Warning	Stage 3
4. Dismissal	Stage 4

Informal Stage - Informal Verbal Warning:

Except in cases of gross misconduct, before considering taking formal disciplinary action, the Principal will make every effort to resolve the matter by holding informal discussions with you. These discussions are outside of the disciplinary procedures. No record will be placed on your personal file, although separate notes may be held by the Principal.

As a result of the discussion, you may be offered counselling by the Principal. Counselling is more than simply offering help and advice, it is about helping you come to terms with a particular problem, in a supportive, non-threatening way. Only where this fails to bring about the desired improvement will the formal disciplinary procedure be considered.

Formal Stage:

A member of the Board may be present at all formal hearings. The representative of the Board will:

- ensure that the hearing is conducted in a fair and objective manner;
- answer any queries that arise in relation to the process;
- take notes of the hearing, especially with regard any queries that may require further investigation. These notes are to aid the decision making process. A copy will be provided to all those involved in the hearing. They are confidential. If the notes cannot be agreed, then a note will be made on the file to this effect.

After a formal disciplinary hearing, having heard all the facts, an option may be that no disciplinary action is warranted. Further options at this stage may be an informal warning outside of the disciplinary procedure or, the agreement of an action plan, stating for any required improvements.

Note:

If, after hearing the facts of the case, the misconduct is considered sufficiently serious, the Chairman of the Board of Management can choose to use any stage of the formal process as first warning up to and including dismissal.

Formal Stage 1 - Formal Verbal Warning:

If, after investigation and despite informal discussions, your conduct does not meet acceptable standards, you will be called to a disciplinary hearing by the Principal, where the issues will be discussed in more detail. If, after the hearing, a Formal Verbal Warning is given, this will be confirmed in writing and will state:

- the reason for the warning;
- the action to be taken and the period of the warning;
- that this warning is the first stage of the disciplinary procedure;
- that you have the right of appeal to the Board;
- that any recurrence of the offence or other serious misconduct within 6 months may result in further disciplinary action, which may result in dismissal;
- an action plan, stating what type of improvement is required within specified timescales, may be agreed and confirmed to you in writing in a separate letter. This will be followed by you and reviewed by the Principal.

A record of the Warning will be kept on file and will lapse after 6 months, subject to satisfactory conduct, attendance and/or performance.

The warning will also be forwarded to those present at the hearing.

Formal Stage 2 - Formal Written warning:

If there is:

- no improvement in your conduct standards; or

- if an offence occurs; or
- if the offence deemed sufficiently serious;

A Written Warning may be given, after the appropriate hearing. This will state;

- the reason for the warning;
- the action to be taken and the period of the warning;
- that this warning is the second stage of the disciplinary procedure;
- that you have the right of appeal to the Board;
- that any recurrence of the offence or other serious misconduct within 9 months may result in further disciplinary action, which may result in dismissal;
- an action plan, stating what type of improvement is required within specified timescales, may be agreed and confirmed to you in writing in a separate letter. This will be followed by you and reviewed by the Principal.

A record of the Written Warning will be kept on file and will lapse after 9 months, subject to satisfactory conduct, attendance and/or performance.

The warning will also be forwarded to those present at the hearing.

Formal Stage 3 – Final Written Warning:

If your conduct;

- remains unsatisfactory; or
- if a further offence occurs; or
- if the misconduct is sufficiently serious;

Then a Final Written Warning may be given, after the appropriate hearing. This will state;

- the reason for the warning;
- the action to be taken and the period of the warning;
- that this warning is the third stage of the disciplinary procedure;
- that you have the right of appeal to the Board;
- that any recurrence of the offence or other serious misconduct within 12 months may result in further disciplinary action, which may result in dismissal;
- an action plan, stating what type of improvement is required within specified timescales, may be agreed and confirmed to you in writing in a separate letter. This will be followed by you and reviewed by the Principal.

A record of the Written Warning will be kept on file and will lapse after 12 months, subject to satisfactory conduct, attendance and/or performance.

The warning will also be forwarded to those present at the hearing.

Formal Stage 4 – Dismissal:

If there is no satisfactory improvement, or if further serious misconduct occurs or if the first breach of discipline is considered being serious enough, you may be dismissed, after the appropriate hearing.

If a decision to dismiss is taken, the dismissal will be confirmed, in writing, stating the grounds for the action taken and confirming the right of appeal.

Note:

If after hearing the facts of the case the misconduct is considered sufficiently serious, dismissal may be an immediate consequence.

Suspension:

Whilst an alleged complaint/offence is being investigated, you may be suspended. Suspension will be with pay, except in cases of alleged dishonesty where you may be suspended without pay.

If you are suspended from duty the Principal will call a meeting and;

- let you know the reason for the suspension;
- give details of the allegation;
- advise whether the suspension is to be with or without pay.

You shall receive a letter at the suspension meeting confirming the reasons and the conditions of the suspension.

Suspension is not regarded as a form of disciplinary action and will be for as short a period as possible.

If it is decided that disciplinary action is not appropriate, the suspension will be lifted. Where the suspension has been without pay, all wages to which you would have been entitled but for the suspension will be paid.

Gross Misconduct:

In cases of alleged gross misconduct, you may be suspended pending investigation. If, after investigation, it is deemed that you have committed an offence of Gross Misconduct, a disciplinary hearing will be held and you will be given adequate opportunity to state your case. You may be summarily dismissed, that is dismissed without notice or pay in lieu of notice, depending upon the circumstance of the case.

Appeals:

If you wish to appeal against any disciplinary decision, you must appeal, in writing, stating the reason for the appeal, within 10 working days of the decision communicated to you in writing. The appeal should be sent to the Chairman of the Board of Management.

You have the right to be accompanied by a work colleague.

If the outcome of the appeal is that the original disciplinary action is upheld, the decision to dismiss will be effective from the date of the original hearing and not any subsequent appeal hearing.

Finally:

This procedure will only be used as a last resort. The Board's aim is to encourage and motivate staff.

Rules and procedures will be reviewed periodically in order to ensure that the Board complies with employment legislation and good practice.

Examples of Misconduct & Gross Misconduct:

To illustrate the range of complaints or offences which can be classed as misconduct, a set of examples of Misconduct and Gross Misconduct have been produced. Although all would be regarded as serious, what counts as Gross Misconduct often depends on the specific context or circumstance.

Misconduct:

Behaviour:	<ul style="list-style-type: none">● Acts of insubordination● Foul or abusive language
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	<ul style="list-style-type: none"> ● Incapacity brought on by alcohol or drug abuse
General Conduct at work	<ul style="list-style-type: none"> ● Failure to comply with School policies & procedures ● Negligence causing unacceptable loss, damage or injury
Performance	<ul style="list-style-type: none"> ● Neglect of duties(not attributable to lack of training) ● Persistence failure to meet job requirements ● Failure to maintain a satisfactory level of performance
Healthy & Safety	<ul style="list-style-type: none"> ● Infringement of health & safety rules
Absence	<ul style="list-style-type: none"> ● Absent without authorisation ● Persistent & unacceptable absence level
Time Keeping	<ul style="list-style-type: none"> ● Regular or persistent lateness for work

Gross Misconduct:

Theft & Fraud & Falsification of records	<ul style="list-style-type: none"> ● Stealing from the School or fellow employees ● Fraudulent misuse of School's property or name ● Falsification/manipulation of records/information
General conduct at work	<ul style="list-style-type: none"> ● Serious negligence causing unacceptable loss, damage or injury ● Persistent failure to comply with School policies & procedures
Behaviour	<ul style="list-style-type: none"> ● Harassment/bullying ● Physical and verbal assault ● Serious incapacity brought on by alcohol or drug abuse ● Serious acts of insubordination ● Serious breach of confidence ● Deliberate damage to property ● Discrimination against colleagues
Children First (Dept of Health and Children Guidelines on Child Protection)	<ul style="list-style-type: none"> ● Serious infringement of Children First
Healthy & Safety	<ul style="list-style-type: none"> ● Serious infringement of health & safety rules

Signed: EBLg (Chairperson)

Date: 29/9/22

Signed: Karl Lawless (Principal)

Date: 29/9/2022

Last updated/reviewed: 29/9/2022