



Policy on Disciplinary and Grievance Procedures

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1. Disciplinary Policy and Procedures

1.1. Purpose of the Policy

Mohill Family Support Centre is responsible for the promotion of consistent, agreed codes of conduct, standards of behavior, and performance within the Centre. The Disciplinary Policy and Procedures assists employees in achieving and maintaining acceptable standards of conduct, attendance, and job performance where these are identified as inadequate. It is the policy of the Centre that disciplinary procedures shall be fair and uniform throughout the Centre. It applies to all employees except those on probation—to which the Disciplinary Procedure for Probationary Employees shall apply.

1.2. General Principles

The disciplinary procedures are designed to protect the interests of both the Centre and its employees through the following principles:

- An employee's natural rights will be upheld at all times and employees have the right to:
 - Know the case against them;
 - Reply;
 - Due consideration;
 - Be represented at all disciplinary meetings / hearings; and
 - Appeal.
- Management will ensure that a full investigation of the facts is carried out and that all parties concerned are interviewed as appropriate;
- Time limits may be changed at every stage by mutual consent;
- Any corrective action will be appropriate to the insubordination, incompetence, inefficiency or misconduct established;
- Any mitigating circumstances and the previous record of the employee will be taken into consideration;
- Corrective action will be treated confidentiality as far as possible;



- Employees will be informed, at each stage, of their right to representation;
- Procedure for appeal will be outlined in the letter confirming corrective action;
- The Centre has the right to extend the duration of warnings where an employee has made reasonable progress in trying to achieve the required standard but has failed to reach it. The extension can be between one and three months.

1.3 Examples of Misconduct

Examples of misconduct which could lead to formal disciplinary action if not resolved through informal proceedings are as follows:

- Consistent poor attendance, time-keeping or lateness;
- Failure to follow the procedures in respect of absence due to sickness or injury;
- Negligence in the performance of duties;
- Being absent without reasonable permission or reasonable excuse;
- Deliberate breach of safety rules;
- Deliberately withholding information which obstructs the work of the Centre;
- Deliberately bringing the Centre into disrepute;
- Consistent non co-operation with other employees or management;
- Repeated breach of the Centre's policies.

This list of examples is not exhaustive or exclusive, and offences of a similar nature will be dealt with under this procedure.

Examples of Gross Misconduct

The following are examples of gross misconduct:

- Divulging or misusing confidential information;
- Unauthorised use of the Centre's assets and equipment;
- Sexual harassment, harassment and bullying;
- Insubordination e.g. refusal to carry out duties or obey reasonable instruction except where employee safety may reasonably be in jeopardy;
- Theft or unauthorised possession of any property or facilities of the Centre or of any employee;



- Malicious mischief resulting in danger to fellow employees or other persons;
- Consumption of alcohol or drugs, or intoxication by reason of drinks or drugs, which could affect work performance in any way or have an impact on other employees;
- Having illegal drugs in the possession, custody or control of the employee while at work or on the premises of the Centre;
- Violent, threatening or bullying behaviour;
- Serious breach of the Centre's rules, policies and procedures, especially those designed to ensure safe operation, and the Centre's Equality and Diversity Policy;
- Unauthorised or inappropriate use of e-mail, internet and/or computer systems;
- Defrauding or attempting to defraud the Centre or fellow employees;
- Falsification of any of the Centre's records including reports, accounts, expenses claims or self-certification;
- Conviction of any criminal offence which may render the employee unsuitable for employment;
- Serious abuse of time-keeping and attendance procedures;
- Serious damage to property;
- Bringing unauthorised person(s) onto the premises;
- Gambling or money-lending while at work on the premises.

The list of examples is not exhaustive or exclusive, and offences of a similar nature will be dealt with under the following procedures.



1.4 Disciplinary Procedures

Informal Disciplinary procedures

In many instances, disciplinary matters can be dealt with on an informal basis through discussions, informal counselling or advice and agreeing any necessary corrective action. If an employee has difficulty reaching the Centre's standards in relation to behaviour or performance, their Coordinator will informally advise them and outline how this must be improved. The emphasis will be on helping the employee to understand the situation and suggest possible solutions. Brief notes will be taken and held indefinitely on the employee's file. If the employee achieves and sustains the necessary level of improvement, no further corrective action will be taken.

Formal Disciplinary Procedures

Inevitably, there will be times when disciplinary matters need to be formalised. Where an employee's conduct, attendance or performance has not been remedied by the informal process, the formal procedure will apply. From the first step of the formal disciplinary procedure a member of the Staff Liaison committee will be present with the Coordinator. The employee will also be informed of their right to be represented by a member of the Union or an appropriate person of their choosing.

At each stage in the procedure a disciplinary meeting will be held where all the facts will be considered and any mitigating circumstances discussed. Where a warning is issued, a copy will be placed on the employee's personnel file for the specified period. All warnings issued under this procedure will clearly state that the employee will be liable for further disciplinary action should their performance / conduct not improve or should there be a further breach of rules.



In the event of no further misdemeanours occurring and the performance improving, the warning will be removed and the employee's file will be clear after the specified period.

A written record of each meeting will be kept and will include details of the employee's case, the response of management and the outcome of meeting(s). The employee will be asked to agree and sign the record(s) of the meeting(s), after consultation with his/her representative. Copies of the record will be given to all in attendance.

In cases of gross or serious misconduct, the employee may be suspended with pay pending an investigation (see below). Suspension on pay is not considered to be a disciplinary action; it is to ensure that issues are dealt with as quickly as possible, in a fair and reasonable manner with adequate protection afforded to all employees. A suspension will ordinarily last no longer than 20 working days. Once the investigation has been completed the employee will be informed of the outcome.

Disciplinary procedures normally proceed through four stages:

- (1) Verbal Warning;
- (2) Written Warning;
- (3) Final Written Warning
- (4) Dismissal.

It may be appropriate to move directly to steps 2, 3 or 4, depending on the seriousness of the issue.



Stages in the Formal Disciplinary Process

STAGE 1 – Verbal Warning

If an employee is considered to be guilty of misconduct or has failed to reach or maintain acceptable standards, they may be issued with a formal verbal warning. The Coordinator and a member of the Staff Liaison committee (or two members of the Staffing Sub-group as appropriate) will discuss the issue(s) with the employee at a disciplinary interview and offer him / her the right to reply. Following the meeting appropriate action will be decided.

If a formal verbal warning is imposed the employee will be invited to a meeting with their Coordinator and a member of the Staff liaison committee (or two members of the Staffing Sub-group as appropriate) where:

- It will be explained to the employee that this is the first step in the formal Disciplinary Procedure and s/he will be informed how long it will remain active on file;
- The employee's shortcomings will be highlighted and an action plan including a scheduled time for improvement, and a plan for assistance and review in order to prevent further disciplinary action, will be drawn up;
- The likely consequences of failure to meet the required standard will be specified;
- A verbal warning letter will be signed by the Staff liaison committee and a copy given to the employee who will be asked to sign it.

The verbal written warning will be active on the employee's file for six months from the date of issue. If an acceptable improvement is achieved and sustained during this time the employee will be advised and personnel file noted accordingly.



STAGE 2 – Written Warning

A written warning may be issued if the employee does not sufficiently improve after a verbal warning or if a first offence merits a greater reprimand than a verbal warning. The Coordinator and a member of the Staffing liaison committee (or two members of the Staff liaison committee as appropriate) will discuss the issue(s) with the employee and offer the right to reply. Following the meeting, appropriate action will be decided on. If a written warning is imposed, the employee will be invited to a meeting with their Coordinator and a member of the Staff liaison committee (or two members of the Staffing liaison committee as appropriate) where:

- It will be explained that this is the second stage in the Disciplinary Procedure and the employee will be informed how long it will remain active on file;
- The employee's shortcomings will be highlighted. An action plan, including a scheduled time for improvement, and a plan for assistance and review in order to prevent further disciplinary action, will be drawn-up;
- The likely consequences of further misconduct or lack of improvement will be specified;
- The warning letter will be signed and a copy given to the employee.

The warning will be active on the employee's file for 12 months. If an acceptable improvement is achieved the warning will be removed from the employee's record and the employee advised accordingly. If improvement has lapsed within this time the Centre may proceed to Stage 3.



STAGE 3 – Final Written Warning

If, following a first written warning, the employee does not achieve or sustain the necessary level of improvement or if a more serious situation arises, a final written warning may be issued. The Coordinator and a member of the Staff liaison committee (or two members of the Staff liaison committee as appropriate) will discuss the issue(s) with the employee and offer the right to reply. Following the meeting appropriate action will be decided. If a final written warning is imposed, the employee will be invited to a meeting with their Coordinator and a member of the Staffing Sub-group (or two members of the Staffing liaison committee - as appropriate) where:

- It will be explained that the warning is the third stage of the Disciplinary Procedure and the employee will be informed of how long it will remain on file;
- The employee's shortcomings will be highlighted. An action plan, including a scheduled time for improvement, and a plan for assistance and review in order to prevent further disciplinary action, will be drawn-up;
- The likely consequences of further misconduct or failure to improve will be specified;
- The final written warning will be signed and the employee will be given a copy.

The warning will be active on the employee's file for 12 months from the date of issue. If an acceptable improvement is achieved the warning will be removed from the employee's record the employee advised accordingly.



STAGE 4 – Dismissal

Gross misconduct or continued instances of poor performance or misbehaviour may result in dismissal. The Coordinator and a member of the Staffing liaison committee (or two members of the Staff liaison committee as appropriate) will discuss the issue(s) with the employee and offer the right to reply. Following the meeting an appropriate action will be decided on. If the employee is dismissed they will be provided with a written explanation of the dismissal, notice of termination date and procedures for making an appeal.

Maintaining Records - Personnel Files

Where a formal verbal warning or written warning is given, records will be kept in the employee's personal file detailing the nature of any breach of discipline, the action taken and the reasons for the action, the date the action was taken, whether an appeal was lodged, its outcomes and any subsequent developments.

All reference to matters of misconduct will be deemed to have been struck from the employee's record after the following periods:

- Formal Verbal warning: six months;
- First Written warning: twelve months;
- Final Written warning: twelve months.



Procedures in dealing with situations of gross misconduct where suspension with pay is required

An employee will be informed of any charge of gross misconduct made against them.

Charges of gross misconduct require suspension with pay whilst an investigation into the complaint is carried out. A suspension should last no longer than 20 working days.

Suspension on pay is not considered to be an action taken under the disciplinary procedure; it is there to ensure that issues are dealt with fairly and that all employees are afforded adequate protection.

The purpose of an investigation is to establish the facts—this may involve gathering detailed information, conducting formal interviews and taking written statements from relevant parties. The employee against whom the allegation has been made will be given copies of all written notes prior to and during the investigation, for e.g. witness statements, details of the alleged misconduct, notes.

On completion of the investigation, the employee will be invited to meet with their Coordinator and a member of the Staffing liaison committee (or two members of the Staff liaison committee as appropriate).

At this meeting:

- The employee has the right to be represented;
- The findings of the investigation will be discussed with the employee;
- The employee will be given the opportunity to respond and state his/her case.



The meeting should not be interpreted as a disciplinary meeting as no disciplinary sanction will be issued on foot of an investigatory meeting. Instead the facts established at the meeting may be used to identify whether or not a formal disciplinary hearing should be conducted. If the allegation is upheld, a further disciplinary meeting will be held with the employee. Where the decision is not to take disciplinary action, the employee will be advised / counselled and records of the issued decision(s) will be placed on the employee's personnel file.

1.5 Appeals Procedure

An employee has the right to appeal the decision of a Disciplinary Procedure at any stage. The Appeals Panel shall consist of three members: two representatives of the Board of Directors and a Legal Advisor. The Appeals Panel will not include the members of the Staff liaison committee who made the decision that is the subject of the Appeal.

For appeals against formal verbal or written warnings:

- The appeal must be in writing to the Chairperson within 10 working days;
- The appeal will be heard within 10 working days of receipt;
- The employee has the right to be accompanied;
- A decision will be issued in writing within 5 working days of the hearing.

For appeals against dismissal:

- The appeal must be in writing to the Chairperson, within 10 working days of dismissal;
- The letter must clearly outline the reasons for the appeal;
- The employee has the right to be accompanied by a representative;
- The appeal hearing will take place within 10 working days of receipt;
- All pertinent information and submissions from any relevant individuals will be considered by the Appeals Panel;
- A decision will be issued in writing within 5 working days.



2. Grievance Policy and Procedures

2.1 Purpose of the Policy

This policy aims to provide employees with the facility to ensure that all grievances are responded to and resolved effectively and efficiently. Mohill Family Support Centre is committed to the fair and equal treatment of all employees. A grievance is an expression of dissatisfaction with workplace relationships, the work environment or a term or condition of employment.

2.2 General Principles

All grievance issues will be dealt with according to the principles of *natural justice* (The Dignity in the Workplace / Bullying and Harassment Policy deals with harassment):

- Employees, both complainant and the person complained against, may at all stages of the procedures be represented by someone of his/her choice, for e.g. a fellow employee, or trade union representative;
- If the person complained against is a union member, management will notify the shop steward of all meetings at the same time as the employee is informed, unless management is specifically asked not to do so;
- Management will keep a written record of each meeting, which will include details of the complainant's case, the Centre's response and the outcome of the meeting. The complainant and the person complained against will be asked to agree and sign the record of the meeting, after consultation with his/her representative. Copies of the record will be given to all in attendance;
- Should an employee have a grievance against them upheld, the process will move into the Centre's Disciplinary Procedures;
- The complainant and the person complained against will be advised of the next stage at the end of every stage of the procedure;
- The complainant and the person complained against, will be reminded of their right to appeal and the appeal process. An appeal should be in writing;
- Both parties may be present at the hearing of a grievance complaint;



- Time limits may be changed at every stage by mutual consent. The date and time of grievance hearings will be agreed between the employee, (union) representative and management (and, where applicable, the person(s) who is / are the subject of the grievance);
- The complainant, the person complained against, and their representatives will be allowed adequate time to prepare their cases;
- Every effort will be made to resolve the grievance at each stage;
- The proceedings will remain confidential to the complainant, to the person complained against, their respective representatives, and management unless anything out of the ordinary is disclosed;
- No action to change an employee's terms and conditions of employment will be taken while she/he is following the grievance procedure;
- Copies of correspondence and written records relating to the grievance will be kept on file and destroyed after six months – unless there is a valid reason for not doing so. If this is the case the employee will be informed;
- Depending on the nature of the grievance the procedure may not always commence at Stage 1, 2, or 3;
- It is recommended that an employee does not take industrial action whilst a grievance is being pursued;
- Where a grievance arises as a result of an instruction being issued, the instruction should be carried out even “under protest” pending the matter being dealt with through the grievance procedure;
- In the event of the matter not being resolved internally, the matter shall be referred through the normal industrial relations procedures.



2.3 Steps in the Grievance Procedure

All grievances will be managed without undue delay and at the earliest possible stage of this procedure. It is the responsibility of employees to make an honest attempt to resolve alleged grievances. Employees are expected, in the first instance, to make an effort to resolve any grievance directly with the person / people concerned. The formal grievance procedure is used when these efforts have proved to be ineffective. The steps for dealing with grievances are as follows:

STAGE 1 - Informal Stage

Where possible, employees are expected to resolve grievances informally and should raise the matter with their Coordinator. The Coordinator will examine the grievance and try to resolve the matter as quickly as possible. If the issue is with the Coordinator and if the matter has not been resolved through direct informal discussions, then you should move onto STAGE 2.

If the issue is with another employee, the complainant should raise the matter with them and inform them that they are invoking STAGE 1 of the Grievance Procedure. If the matter is not resolved directly with the person concerned then STAGE 2 should be followed.

STAGE 2 – Formal Stage

The employee should state the nature and extent of the complaint in writing to their Coordinator. If the grievance is with the Coordinator, then the employee should contact the Staff liaison committee. The issue will be duly investigated with a view to determining the facts and the credibility or otherwise of the allegation(s) and responded to within 15 working days.



STAGE 3 – Formal Stage

If the matter has not been resolved at Stage 2, the employee can raise the matter in writing with the Chairperson of the VBOD. A hearing will be held no later than 15 working days from receipt of the written grievance. The issue will be discussed and a decision will be given to the employee within five working days. A summary of the meeting will be recorded, signed and a copy given to the employee.

STAGE 4 – Resolving the issue through Third Party Intervention

If the grievance remains unresolved after STAGE 3, the employee may refer the grievance to a relevant third party e.g. the Workplace Relations Commission. The Chairperson will arrange a meeting of all parties within 28 working days. The decision of the third party will be final. The proceedings will remain confidential to all parties. Documentation relating to the grievance will be kept in the employee's personnel file.

Malicious Accusations

If, following detailed consideration of all of the relevant facts of the case, it is deemed that the grievance complaint was brought maliciously, it may then be treated as an act of misconduct under the Disciplinary Procedure. The Centre will not entertain a Grievance Complaint made by an employee when it is made in response to the implementation of the Centre's Disciplinary Procedure against that employee.

The Board of Directors/Trustees will not entertain a Grievance Complaint made by an employee when it is made in response to the implementation of the Centre's Disciplinary Procedure against that employee.

PLEASE NOTE: The Board of Directors/Trustees will not entertain grievance complaints by staff in response to the implementation of the Centre's Disciplinary Policy.



Ratified at the meeting of Directors/Trustees on _____

Propose by: _____

Date: _____

Second by: _____

Date: _____