
ACCS, IMPACT and SIPTU Grievance, Discipline and Dismissal Procedures

Staff Category: Clerical Officer and/or Caretaker and/or Special Needs Assistant and/or Cleaners (hereafter called the employee) in a Community and Comprehensive School.

Infringement of a condition of employment, or of established rules and procedures, or long term or intermittent absence, can lead, depending on the gravity of the breach, to an informal or formal warning, suspension, transfer to other duties and loss of privileges. Ultimately, persistent breaches, incapacity or inadequate work performance can lead, following warnings, to dismissal.

This procedure is only invoked after an employee's probation is completed. During probation normal probation procedures apply.

The following procedure will be used before a Board of Management decision to dismiss an employee is taken:

Breaches of rules, misconduct, incapacity, incompetence or other reasons which, in the opinion of management justify disciplinary action, will lead to official warnings as follows:

1. Verbal Warning
2. Formal Written Warning
3. Final Written Warning
4. Dismissal, suspension, demotion or other appropriate disciplinary measure.

Each individual warning will remain in effect for a period of six months.

Following that, if the necessary improvement has been forthcoming, the Employee will revert to the previous stage, if any, in the disciplinary procedure.

In some cases, depending on the seriousness of the incident, a decision may be taken

to omit one or more stages of the above procedure.

It is the aim of this procedure to assist employees whose performance falls below the standards acceptable to the Board of Management of a school, to overcome the difficulties raised.

The following procedures will apply:

Stage 1: Verbal Warning

In the case of minor infringements, the School Principal/Acting Principal will warn the employee verbally of the specified aspect of work or conduct which is below standard, stating clearly that this is a warning and advising on the improvements which must be made. This warning will be communicated in the presence of his/her Trade Union Representative or colleague of their personal choice, unless he/she refuses the facility. This warning will be recorded in the employee's file and remain live for a period of one year, after which it may not be invoked under the disciplinary procedure.

Stage 2: First Written Warning

In the event of continued failure by the employee to meet required standards as outlined by School Management, the employee will be issued with a formal written warning in the presence of his/her Trade Union Representative or colleague of his/her personal choice, unless the employee refuses the facility. He/she will also be warned that continued failure to improve may result in further disciplinary action up to and including dismissal, in accordance with the terms of this procedure. This warning will remain on the employee's file for one year, after which it may not be invoked under the disciplinary procedure.

Stage 3: Final Written Warning or Suspension

If a problem persists, the School Principal/Acting Principal will give the employee in the presence of his/her Trade Union Representative a final written warning, unless the employee refuses the facility. It will be made clear in such correspondence that the employee will be dismissed if future conduct or performance is not satisfactory. This final warning will remain on the employee's file for 2 years.

Where the School Principal/Acting Principal deems the conduct, performance, incident or non-cooperation of the employee is serious enough to warrant the suspension of the employee from his/her place of work, then this may occur in the presence of his/her Trade Union Representative unless the employee refuses the facility. The actual suspension will be for a fixed-time and is subject to appeal as outlined below. It will be made clear in written correspondence that the employee will be dismissed if future

conduct or performance is not satisfactory. The written correspondence relating to the employees suspension will remain on his/her file for 2 years.

The employee has the right to appeal this final written warning/suspension to a sub-committee of the Board of Management of the school. The format for this appeal will entail the attendance of the employee and his/her Trade Union Representative at a hearing on the matter with the sub-committee of the Board of Management. The sub-committee will be two nominees of the Board of Management who will be authorised to adjudicate and to issue a decision on the appeal.

Stage 4: Dismissal

If the problem remains, the employee concerned will be requested by the School Principal/Acting Principal to attend a Board of Management meeting, respond to the allegations made and explain why the Board should not dismiss him/her. The Board of Management may then decide to reject the allegations, and subject the employee to further disciplinary action or to summarily dismiss the employee.

Serious Misconduct

Notwithstanding the above procedure, the school authority reserves the right to discipline an employee up to and including immediate dismissal in the case of serious misconduct.

The following list outlines some offences warranting instant dismissal:

- Having alcoholic beverages or drugs on the school's premises at any time or reporting to work while under the influence of an intoxicant or drugs,
- Theft of school, school employee's or student's property at the school,
- Deliberate damage, sabotage or destruction of school property/lands or the property of another school employee or school student at the school,
- Deliberately violating a school safety rule or legislation regulation or engaging in any activity which is unsafe either to the employee or others within the school community, or which may affect the school's equipment or other property,
- Incompetence or poor work performance,
- Insubordination and refusing to obey reasonable lawful instructions of the School Principal/ Acting Principal/ authorised management personnel (e.g. Chairperson, Board of Management),
- Misconduct (serious or persistent),
- Falsifying any work-related school records,
- Offences that breach the terms of the Child Protection Guidelines for Post-Primary Schools (copy available from School Principal),
- Conviction of the employee by the Courts of a criminal offence,
- Incapacity,
- Redundancy due to school closure.

In the case of misconduct or breaches of school rules, a full investigation will be initiated and carried out by the School Principal/Acting Principal. The employee may be suspended with pay pending the outcome of such an investigation. Where the outcome of the investigation could lead to dismissal the employee will be informed by the School Principal/Acting Principal of the alleged misconduct or breach of school regulations and the possible outcome and will have the right to state his/her case. The employee may be accompanied at meetings arising from the investigation by a fellow employee of his/her choice or a Trade Union Representative.

The employee may appeal to the Board of Management where the recommendation from School Management investigation is to dismiss following the conclusion of the above.

Certain grave breaches can lead, following consideration of all the circumstances by the Board of Management, to summary dismissal or suspension of the employee with/without pay pending an investigation. In all dismissal cases, a full investigation will be carried out. The employee will have the right to put his/her case and to be accompanied by another staff member or appropriate Trade Union Representative where he/she appeals a recommendation to the Board of Management.

Disputes and Grievances Procedure

Grievance:

In the interest of fairness and justice, and to ensure the proper conduct of business, certain provisions to deal with matters of grievance and discipline where necessary as follows:

Where the employee has a grievance which they consider to be genuine in respect of any aspect of their employment, they have a right to a hearing by School Management as circumstances warrant and may be accompanied at such a hearing by a colleague of their choice or their Trade Union Representative.

The intention of the school is to settle amicably, at all times, any disagreements arising between itself and individual employees or groups of employees, or arising between the school employees themselves.

In the event of a dispute or grievance between School Management and employees on any matter, the following procedure will apply. It is recognised by Management that some claims/issues may commence at point (iii) of the procedure.

- (i) If and when a dispute arises it should be discussed, and hopefully resolved in the first instance, between the employee(s) and the School Principal/Acting Principal within 6 working days of the incident arising.
- (ii) Should no agreement be reached at (i) above the employee will call on the assistance of a colleague of his/her personal choice and refer the dispute to the Board of Management.
- (iii) Should agreement not be reached at this level both parties may call on the assistance of the employee's Trade Union Full-time Official and the Board of Management for a meeting.
- (iv) Should the matter remain unresolved, the matter shall be referred to the Labour Relations Commission for a conciliation conference or to a Rights Commissioner, and if still unresolved to a formal investigation by the Labour Court.
- (v) Disputes involving dismissals will be referred, under the Unfair Dismissals Acts to a Rights Commissioner, if agreed, and/or to the Employment Appeals Tribunal, except where the parties involved agree to have the matter heard under the terms of the Industrial Relations Acts.
- (vi) It is agreed that no strike, lock-out or any other form of industrial action shall be taken by either party to this agreement until the above procedure has been fully exhausted.

Notice of Termination:

Except in circumstances justifying immediate termination of an employee's employment by an employer, the said employee will be entitled to receive the appropriate period of notice set down in the Minimum Notice and Terms of Employment Act, 1973-1991.

The employment may be terminated without notice for serious misconduct or failure to carry out such legitimate and lawful duties as may be assigned by his/her employer, or School Principal/ Acting Principal, from time to time.

The employee is required to give notice of termination of his/her employment, in line with legislation based on their length of service to the school i.e. 1 week after 2 years service etc.
