



Social Care Association of Ireland: Disciplinary Procedure

Date Created: 2017

Review date: August 2022

Approval date: 17th August 2022 Version: 4

The parties agree that allegations of faults or omissions in aspects of duty or conduct relating to employment should normally be dealt with informally. The parties agree that the primary aim of the disciplinary procedure is to help the individual, whose performance or conduct allegedly falls below the company's requirements, to achieve the necessary improvement.

The parties also agree that all matters of discipline shall be dealt with in a manner that protects the dignity of the staff member(s). Each staff member will receive as of right all reasonable facilities to explain his/her position. Disciplinary sanction will not be implemented by management pending the outcome of procedures laid down by this agreement, except for offences of suspected or alleged serious misconduct where immediate suspension will normally apply, and an immediate investigation will take place. Serious offences are those such as where, in the opinion of the Board of Directors, the person constitutes a potential or actual danger to themselves or to others, causes wilful damage to the property of the workplace or is guilty of a serious criminal offence related to his/her employment.

In the case of an allegation against a member of Social Care Ireland with regard to activities/work undertaken on behalf of the company, the designated Board Member will meet and discuss the matter. If this is deemed to be of an ongoing nature, the member may be requested to cease activities on behalf of the company. In serious matters the Board hold the right to withdraw membership of the association and/or may refer the matter to the appropriate authorities where the nature of the offense is deemed a risk to service users, others or themselves.

Any staff member aggrieved by a legitimate work instruction, given by a Manager should carry out such instruction under protest and refer it for processing through the proper channels i.e. Grievance Procedures. In this context a legitimate work instruction is one which is within the terms of current agreements and is not at variance with existing custom and practice.

The right to representation at all stages of this procedure is recognised in accordance with paragraph 2 above.

The parties agree to the following procedural stages.



DISCIPLINARY PROCEDURE STAGES

Stage 1 Informal Warning

In the event of there being an allegation of fault or omissions of duty or conduct relating to employment, the allegations will be put to the employee in the first instance. Any allegations will be made in writing and will be given to the employee who shall have time to consider and make a response to such allegation.

The designated Board Member will discuss with the staff member the nature of the allegation and whether there is substance to the allegation, this discussion may cover if appropriate:

- A. Why behaviour/work appears to be unsatisfactory.
- B. Possible methods of correction and an indication of acceptable time scale for such correction.
- C. Any support which might be provided by the company.
- D. The seriousness of the issue and possible consequences if there is no improvement or if offence is repeated.
- E. The designated Board Member will advise that the situation will be monitored and will advise of a review period.

A note of the discussions will be prepared by the designated Board Member and a copy given to the individual concerned.

If the matter complained of has been resolved by the end of the review period, the matter will be concluded and no reference to the issue shall be kept on any file of the individual. The note of the discussions prepared by the designated Board Member shall be destroyed.

Stage 2 Formal Oral Warning

In the event of there being a continuation of the fault or omissions of duty or conduct which was the subject of Stage 1, the designated Board Member will refer the matter to the Chair by way of a written report indicating the nature of the allegation, the note of the discussion at Stage 1 as prepared by the designated Board Member at the time and how the employee has responded during the review period. The employee will receive a copy of such written report.

There will be a discussion between the Chair and if necessary, the designated Board Member in question with the staff member concerned, which may deal with the following;

- A. Why behaviour/work continues to appear to be unsatisfactory.
- B. Possible methods of correction and an indication of acceptable time scale for such correction.
- C. Any support which might be provided by the company.
- D. The seriousness of the issue and possible consequences if there is no improvement or if offence is repeated.
- E. That the situation will be monitored and there will be a review period.



A record of the discussion will be maintained by the SCI Office. A note of the discussions together with a copy of the formal record of the discussion will be prepared by the Chair and a copy given to the individual concerned, within two days of the discussion.

The individual concerned will have the right to place on record any observations he or she may wish in regard to the discussions or to the formal record of the discussions.

If the matter complained of has been resolved by the end of the review period the matter will be concluded. A statement to this effect will be forwarded to the staff member and a copy held by the Chair and a copy held in the Social Care Ireland Office.

Stage 3 First Written Warning

In the event of there being a continuation of the fault or omissions of duty or conduct which was the subject of Stage 2, the matter will be referred from the Chair to Social Care Ireland Board for delegation to appropriate individual. This will be by way of a written report indicating the nature of the allegation, the note of the discussion at Stage 2 as prepared by the designated Board Member at the time and how the employee has responded during the review period. The employee will receive a copy of such written report.

There will be a meeting involving the Chair, designated individual, and the individual concerned. This meeting will deal with the following:

- A. Why behaviour/work continues to appear to be unsatisfactory.
- B. Further possible methods of correction and a further indication of acceptable time scale for such correction.
- C. Any support which might be provided by the company
- D. The seriousness of the issue and possible consequences if there is no improvement or if offence is repeated.
- E. That the situation will be monitored and there will be a review period.

A record of the discussion will be maintained by the company. A note of the discussions together with a copy of the formal record of the discussion will be prepared by management and a copy given to the individual concerned within two days of the discussion. The individual concerned will have the right to place on record any observations he or she may wish in regard to the discussions or to the formal record of the discussions.

If the matter complained of has been resolved by the end of the review period the matter will be concluded. A statement to this effect will be forwarded to the staff member and a copy held by the Social Care Ireland Office.

Should the matter not be resolved at this point the employee will receive a written warning from SCI Board, which will also set out a further review period. A copy of this warning will be maintained on the employee's personnel file.

Stage 4 Final Written Warning

In the event of there being a continuation of the fault or omissions of duty or conduct which was the subject of Stage 3 a further meeting will be held between the relevant members of the Board, and the employee. This meeting will review the outcome of Stage 3. Before this meeting the employee will be furnished with a written note indicating the company's view of the response of the employee to the issues raised at Stage 3. If the matter complained of has been resolved the statement to that effect will be forwarded to the Social Care Ireland Office. If not then:

- A. The gravity of the situation will be discussed.
- B. The staff member will be made aware that if there is no acceptable improvement within a final review period, appropriate disciplinary action (e.g. withholding of increments, demotion, suspension) will be taken.
- C. The employee will receive a final written warning from Social Care Ireland's management. This written warning will include reference to the review period.

Stage 5 Disciplinary Action

If the matter is resolved at the end of the review period, the Social Care Ireland Board will be notified.

If the conduct and/or performance of the staff member does not improve to a satisfactory level during the period set out in the final written warning, the matter will be reviewed by the Board of Directors before appropriate disciplinary action is taken.

The staff member will be notified in writing accordingly.

No disciplinary action shall be taken pending the outcome of any appeal, in accordance with the procedures except for alleged serious misconduct as defined.

Stage 6 Dismissal

Dismissal is a very serious step and will not be invoked until the stages of this procedure have been exhausted. The provisions of the relevant legislation cover this step.

Appeal

Any employee who is in disagreement with a sanction imposed as a result of any of the above stages is entitled to appeal such sanction to a third party agreed by the parties for the purpose.

In the event of there being disciplinary action taken against the individual the appeal shall involve persons outside of the company agreed for the purpose by the parties concerned.