

PROCEDURE FOR DEALING WITH DISCIPLINARY MATTERS INVOLVING TEACHERS IN GRANT- AIDED SCHOOLS WITH PARTIALLY DELEGATED BUDGETS

1. INTRODUCTION

The purpose is to provide a fair, equitable and consistent arrangement for the handling of situations where disciplinary action against a teacher is considered necessary.

2. SCOPE

The procedure shall apply to all teaching staff and may be invoked only to deal with allegations of misconduct.

3. GENERAL PRINCIPLES

- 3.1 Prior to the taking of any formal disciplinary action there will be an investigation into any allegation of misconduct.
- 3.2 When, after the investigations, it is considered that disciplinary action is needed the following steps shall normally apply –
 - (a) the teacher shall be told clearly what is being alleged and advised of any rights under the procedure, including the right to be accompanied by a trade union representative or fellow teacher
 - (b) the teacher shall be given reasonable time to prepare his or her case
 - (c) the teacher shall be interviewed and given the opportunity to state his or her case and such an interview shall, wherever practicable, be held within 3 working days of the alleged offence.
 - (d) if more time is needed to consider the matter or further investigations are necessary the interview shall be adjourned
 - (e) the disciplinary authority shall announce its decision as expeditiously as possible having given proper consideration to all the matters raised.
- 3.3 If the teacher is subject to disciplinary action is an accredited trade union representative, no disciplinary action beyond a verbal warning shall normally be taken until the circumstances of the case have been discussed with the full-time official.
- 3.4 Any disciplinary action taken shall be appropriate to the degree of the seriousness of the offence.
- 3.5 Any mitigating circumstances, including the previous record of service of the teacher concerned, shall be taken into account when taking disciplinary action.
- 3.6 There shall be the right to appeal against disciplinary action.
- 3.7 **Criminal offences outside employment** – these shall not be treated as automatic reasons for dismissal regardless of whether the offence has any relevance to the duties of the individual as a teacher. The main considerations should be whether the offence is one that makes the individual unsuitable for his/her type of work or unacceptable to other employees. Teachers shall not be dismissed solely because a charge against them is pending or because they are absent through having been held in custody.

4. DISCIPLINARY AUTHORITY

- 4.1 Disciplinary action shall be the responsibility of the duly authorised level of management to which disciplinary powers have been delegated (hereinafter referred to as “The Disciplinary Authority”).
- 4.2 The Disciplinary Authority responsible for disciplinary action is as follows:

DISCIPLINARY AUTHORITY

DISCIPLINARY ACTION	CONTROLLED SCHOOLS	CATHOLIC MAINTAINED SCHOOLS	VOLUNTARY SCHOOLS
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Assistant Teacher:

Verbal Warning	Principal	Principal	Principal
Written Warning	Principal	Principal	Principal
Final Written Warning	Board of Governors	Board of Governors	Chairman of Board of Governors
Further Disciplinary Action	Education and Library Board	Council for Catholic Maintained Schools (CCMS)	Board of Governors

Principal:

Verbal Warning	Board of Governors Nominee	Board of Governors	Chairman of Board of Governors
Written Warning	Board of Governors	Board of Governors	Chairman of Board of Governors
Final Written Warning	Board of Governors	Board of Governors	Chairman of Board of Governors
Further Disciplinary Action	Education and Library Board	CCMS	Board of Governors

5. INFORMAL DISCUSSION

- 5.1 After investigation, management may consider that there is no need to resort to the formal procedure and that it is sufficient to talk the matter over informally with a teacher. The difference between informal discussion of this kind and a verbal warning issued as part of the formal procedure should be made clear and the recipient should be left in no doubt about which sort of action has been taken. The object of the discussion shall be to review the issues involved and to seek ways of improving the situation without recourse to the formal procedure.

6. FORMAL PROCEDURE

6.1 Where it is considered that a teacher's conduct is unsatisfactory an interview will be arranged by the Disciplinary Authority who shall make the teacher aware of the nature of the alleged offence. At this interview the teacher will be given the opportunity to state his/her case before decisions are reached. If the teacher fails to give a satisfactory explanation the Disciplinary Authority shall issue a verbal warning and shall advise the teacher of the consequences of any further similar offence.

6.2 **Written Warning**

In the event of a recurrence of the same or a similar offence the Disciplinary Authority shall advise the teacher, in writing, of the nature of the alleged offence. The teacher shall be given the opportunity to state his/her case at a disciplinary interview with the Disciplinary Authority before decisions are reached. If a satisfactory explanation is not given the Disciplinary Authority shall issue a written warning and shall advise the teacher of the consequences of any further similar offence.

6.3 **Final Written Warning**

In the event of a further recurrence of the same or a similar offence or the occurrence of a more serious offence, the Disciplinary Authority shall advise the teacher, in writing, of the nature of the alleged offence. The teacher shall be given the opportunity to state his/her case at an interview with the Disciplinary Authority before decisions are reached. If a satisfactory explanation is not given the Disciplinary Authority shall issue a final written warning and shall advise the teacher of the consequences of any further similar offence.

6.4 **Further Disciplinary Action**

Should there be a failure to respond to a final written warning or should a similar offence occur or, on the case of gross misconduct, the Disciplinary Authority shall arrange an interview as set out in Section 6.3. A teacher failing to give a satisfactory explanation will be subject to such further disciplinary action as the Disciplinary Authority may determine. Such action may include withholding of increment, demotion, suspension without pay not exceeding 2 weeks or dismissal.

7. **INVESTIGATORY SUSPENSION**

Pending formal investigations of an alleged act of gross misconduct, a brief period of suspension may be imposed immediately by –

- (a) In the case of Controlled Schools, the Chief Executive
- (b) In the case of Catholic Maintained Schools, the Secretary of CCMS
- (c) In the case of Voluntary Schools, the Chairman of the Board of Governors

such suspension shall be with full pay.

8. **DISCIPLINARY PENALTY**

Except in the event of a verbal warning, details of any disciplinary penalty shall be given in writing to the teacher and a copy shall be retained by the employing authority. The written notification shall:

- (a) State the nature of the misconduct
- (b) Define, if appropriate, the improvement which is expected and, if appropriate, the timescale involved.

- (c) Specify the disciplinary penalty and, where appropriate, how long it will last.
- (d) Specify the likely consequences of further similar misconduct.

At the same time the teacher shall be reminded of the right of appeal, the timescale for lodging an appeal, how it should be made and to whom.

9. SUMMARY DISMISSAL

Where, after investigation, a teacher is considered to have committed gross misconduct, the Disciplinary Authority shall have the right summarily to dismiss the teacher. A teacher summarily dismissed shall have the right of appeal in the normal way but the dismissal shall not be set aside pending the outcome of the appeal.

Summary dismissal means without notice and without payment in lieu of notice. Examples of gross misconduct include offences such as theft, physically violent behaviour, obscene behaviour, intoxication induced by alcohol or drugs, fraud etc.

10. RECORDS

Records shall be kept detailing the nature of any breach of disciplinary rules, the action taken and the reason for it, whether an appeal was lodged, its outcome and any subsequent developments. These records shall be carefully safeguarded and kept confidential. A teacher's records may however be made available for inspection by him/her or, at that teacher's written request by a full-time official of a recognised trade union.

Disciplinary action shall normally not be allowed to count against an employee indefinitely. In the case of verbal warnings records shall be kept for a period of 6 months, written warnings shall be kept for a period of 1 year and the teacher shall be notified accordingly.

11. APPEALS

11.1 There shall be the right of appeal against any disciplinary action as follows:

APPELANT BODY

DISCIPLINARY ACTION	CONTROLLED SCHOOLS	CATHOLIC MAINTAINED	VOLUNTARY
Assistant Teacher:			
Verbal Warning	Board of Governors	Board of Governors	Board of Governors
Written Warning	Board of Governors	Board of Governors	Board of Governors
Final Written Warning	Education and Library Board	CCMS	Board of Governors
Further Disciplinary Action	Appeals Committee	Appeals Committee	Appeals Committee
Principal:			
Verbal Warning	Education and Library Board	CCMS	Board of Governors
Written Warning	Education and Library Board	CCMS	Board of Governors
Final Written Warning	Education and Library Board	CCMS	Board of Governors
Further Disciplinary Action	Appeals Committee	Appeals Committee	Appeals Committee

11.2 Appeals must be made in writing setting out the grounds within 5 working days of the date of the disciplinary decision to:

- in the case of a Controlled School, the Chief Executive
- in the case of a Catholic Maintained School, the Secretary of CCMS
- in the case of a Voluntary School, the Chairman of the Boards of Governors.

Appeal Hearings shall be heard as soon as practicable and no later than 10 working days from receipt of request unless extended by mutual agreement.

The result of an Appeal shall be notified in writing to the teacher within 3 working days of the Hearing.

The Appellant Body may –

- i. dismiss the Appeal
- ii. uphold the Appeal, or
- iii. substitute a lesser penalty.

12. APPEALS COMMITTEE

- 12.1 The Appeals Committee shall consist of an Independent Chairman appointed by the Labour Relations Agency and 2 panel members, one nominated by the Teachers' Side and one nominated by the Management Side of the Teachers' Salaries and Conditions of Service Committee (Schools). Neither member shall have had a direct interest or involvement in the case.
- 12.2 The Agency shall also appoint a Secretary to the Appeals Committee who shall be responsible for the setting up and operation of the Committee.
- 12.3 The Secretary, in conjunction with the Chairman, shall fix a date for the Committee's Hearing of the Appeal, shall advise the parties accordingly and shall invite nominations to the Committee.
- 12.4 The Secretary shall also invite the parties to make written submissions to the Committee, such submissions to be received not later than 10 days before the date of the Hearing. The Secretary shall distribute copies of the submissions to the Committee members and to any party not later than 5 days before the date of the Hearing.
- 12.5 The Committee shall meet the parties to hear the Appeal within the 20 working days of the matter being referred to the Labour Relations Agency. The Chairman of the Committee shall determine the order of the oral presentations to the Committee.
- 12.6 The works of the Appeals Committee shall not be invalidated by the absence of one or other of the parties.
- 12.7 The decision of the Appeals Committee shall be given in writing to both parties within 10 working days of the hearing.
- 12.8 The decision of the Appeals Committee shall be final.