



Association for Agency-Based Counselling  
& Psychotherapy in Ireland Ltd

*This document is only to be used as a guideline for organisations*

*Should you require any further support or have any queries please contact  
(AACPI National Director)  
[www.aacpi.ie](http://www.aacpi.ie)*

## **Guidelines-Disciplinary Rules & Procedures**

### **Aim**

The following procedure has been drawn up to make employees, volunteers, and others aware of the organisation's policy in relation to disciplinary matters.

### **General Principles**

No disciplinary action shall be taken until there has been a full investigation into any alleged incident.

In general the disciplinary process will commence with an informal meeting by the staff members/volunteers/other and the company CEO. The aim of an informal meeting is to resolve minor issues without the need to take formal disciplinary action. However the failure of an employee/volunteer/other to improve to the required standards of conduct, attendance or performance as outlined through an informal meeting may result in the formal stages of the disciplinary process. In cases of serious or gross misconduct, the informal meeting stage may be waived.

At each stage of this procedure employees/volunteers/other have the right to a fair hearing with the opportunity to state their case and to be accompanied by a fellow employee/Volunteer/other if desired.

Warnings will generally be applied progressively; however the organisation retains the right to invoke the disciplinary process at any stage of the procedure depending on the circumstances of the particular issue.

Warnings shall lapse after a set period of satisfactory conduct.

### **Procedure**

In the event of a disciplinary issue arising, the employee/volunteer/other will generally be advised of the situation informally and in writing in the first instance, unless this is deemed inappropriate given the circumstances of the situation. Where this informal meeting fails to resolve the issue, or is deemed inappropriate, a formal disciplinary meeting will be arranged with the employee/volunteer/other concerned. Reasonable advance notification of the meeting will be provided by the company's CEO, and the employee/volunteer/other will be advised of their right to bring a representative to this meeting (e.g. a colleague.). The staff member/volunteer/other will



Association for Agency-Based Counselling  
& Psychotherapy in Ireland Ltd

be advised that the meeting is a disciplinary hearing, informed of the issue to be discussed and any evidence to be presented. At the meeting the employee/volunteer/other will be presented with the allegation/complaint. The employee/volunteer/other will be allowed an opportunity to respond to the allegation during the hearing, and the hearing will then be adjourned to consider the facts as presented. Further investigation may be necessary. Following the adjournment the meeting will be reconvened and the company's CEO decision on the matter will be communicated to the employee member/volunteer/other in writing. A copy of this document and all other documentation generated through this process will be kept on the employee/volunteer/other file for an agreed period. The appeals process is documented in this procedure.

### **Minor Misconduct**

If the breach is in the minor misconduct category and management is satisfied that an offence has occurred the procedure will be as follows:

- ◆ Stage 1 – A verbal warning will be issued. It will be recorded and retained on file for a period of 6 months;
- ◆ Stage 2 - If the same or similar offence is repeated within 6 months a first written warning will be issued. It will be recorded and retained on file for a period of 12 months;
- ◆ Stage 3 - If the same or similar offence is repeated within 12 months a final written warning will be issued. This will contain a clear notice that a repeat of the offence within 12 months will result in dismissal;
- ◆ Stage 4 - If the same or similar offence is repeated within 12 months the offending employee will be dismissed.

### **Major Misconduct**

If an offence which falls within the major misconduct category is committed and management is satisfied that it has occurred, the disciplinary procedure will be invoked at Stage 3 (i.e. a final written warning will be issued which will contain clear notice that a repeat of the offence within 12 months will result in dismissal).

### **Gross Misconduct**

If an offence which is regarded as gross misconduct has been committed and management is satisfied after investigation that it has occurred, the employee/volunteer/other will be dismissed summarily i.e. without notice and without wages-in-lieu of notice.



Association for Agency-Based Counselling  
& Psychotherapy in Ireland Ltd

## **Disciplinary Rules**

The following list shows examples (this list is not exhaustive) of the type of rules / offences that an organisation can categorise for each level of misconduct:

### **Minor Misconduct**

- ◆ Initial Absence;
- ◆ Lateness;
- ◆ Failure to comply with Absence Notification.
- ◆ Careless work and poor effort at work
- ◆ Performance of standards agreed in appraisal.
- ◆ Ignoring safety/hygiene/security rules;
- ◆ Failure to maintain a safe working environment that is in keeping with the company's health & safety policy
- ◆ Misuse of telephone;
- ◆ Excessive time away from the job without agreement from Manager.

### **Major Misconduct**

- ◆ Persistent Absence
- ◆ Dangerous physical behaviour;
- ◆ Neglect causing damage to or loss of the company's public's or other employee's property/equipment;
- ◆ Serious neglect of safety/hygiene/security rules;
- ◆ Smoking in prohibited areas;
- ◆ Consuming intoxicants during working hours or bringing intoxicants into the premises without permission with the purpose of consumption or selling.
- ◆ Unsatisfactory or discriminatory attitude to service users.
- ◆ Use of foul language;
- ◆ Insubordination;

### **Gross Misconduct**

- ◆ Theft;



Association for Agency-Based Counselling  
& Psychotherapy in Ireland Ltd

- ◆ Physical violence, actual or threatened, verbal abuse of service users or other employees/volunteers.
- ◆ Harassment/bullying including sexual harassment.
- ◆ Theft or unauthorised removal of materials, equipment or food.
- ◆ Malicious or wilful damage to property belonging to participants or to the company's office.
- ◆ Falsification of records, including personal particulars and pay sheets, time sheets or falsely claiming expenses, other benefits and/or for hours not worked.
- ◆ Professional misconduct such as, putting participants at risk, breaches of confidentiality, inappropriate sexual behaviour, gross negligence or irresponsibility.
- ◆ Inability to perform duties due to consumption of alcohol/drugs.
- ◆ Unauthorised absence from work, which leaves participants or colleagues at risk.
- ◆ Criminal offences outside working hours which may affect the employee's ability to perform his or her duties, particularly where there is an element of trust involved or it is felt there could be a risk to others.

### **Discrimination**

Any allegation of discrimination, victimisation or harassment on grounds of sex, age, sexual orientation, marital status, disability, race, religious beliefs, political opinion or membership of the traveller community will be thoroughly investigated and where appropriate will be dealt with under the disciplinary procedure. The disciplinary response will depend upon the nature and seriousness of the incident; and in extreme cases will result in dismissal.

### **Appeals Procedure**

An appeal against any disciplinary action should be made (in writing) within five working days to the Company's Board of Directors

The appeals procedure will comprise of a meeting between the employee/volunteer/other, who may bring a representative, the Chairperson of the Board of Directors and at least one other member of the Board of Directors. The Chairperson will conduct the appeal hearing, and may re-examine evidence or documentation used during the disciplinary process. Following the appeal hearing the Chairperson will write to the employee/volunteer/other within seven days of the appeal, confirming the decision made from the appeal hearing and the reasons for it.



Association for Agency-Based Counselling  
& Psychotherapy in Ireland Ltd

At this final stage the employee/volunteer/other will have exercised their right of appeal and the Company Disciplinary Procedure and the decision is final.

Clarification of any point in this procedure may be obtained from whoever the company allocates this responsibility to, usually a CEO.

#### **COMPLAINTS PROCEDURE:**

An employee who believes he or she is being bullied or harassed should first attempt to resolve the problem informally, if this is reasonably possible. In such cases, the employee should ask to meet the individual responsible and request that the bullying/harassment cease, indicating that the matter will be reported if it continues. You should make it clear to the individual how their behaviour is impacting on you. Where you would find it difficult to meet the person directly, you should communicate your concerns through another party, i.e. a colleague.

#### **FORMAL PROCEDURE:**

Where it is not possible to come to a resolution informally, you can pursue the formal procedure as follows:

- A formal complaint must be recorded in writing from the complainant, signed and forwarded to the CEO
- Any incident of bullying or harassment reported will be dealt with in sensitive and confidential manner.
- On receipt of the complaint the CEO will investigate the matter within 7 working days. The parties involved will have the right to representation at any interviews held during the investigation. As is deemed necessary other persons can be interviewed to help in the investigation.
- The investigation should be completed within 10 working days.
- If following the investigation the organisation can reasonably conclude that bullying/harassment has occurred, appropriate action will be taken. In the event that the organisation concludes that bullying/harassment has not taken place, the matter will not be pursued any further. This conclusion shall be recorded on both files.
- If either party is unhappy with the outcome of the investigation they may appeal the matter to the Board of Directors, stating in writing the grounds on which he/she is not satisfied with the conduct of the investigation or the outcome. An employee shall have 7 working days to file this appeal.

**PLEASE SIGN THAT YOU HAVE READ AND AGREE TO (Name of Organisation) DISCIPLINARY RULES AND PROCEDURES.**



Association for Agency-Based Counselling  
& Psychotherapy in Ireland Ltd

\_\_\_\_\_  
Name

\_\_\_\_\_  
Date

\_\_\_\_\_  
Witness

\_\_\_\_\_  
Date

