



etbi

Education and Training
Boards Ireland
*Boird Oideachais agus
Oiliúna Éireann*

DISCIPLINARY POLICY & PROCEDURE

*For all staff in
Education and
Training Boards
Ireland*

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Disciplinary Policy and Procedure for all staff in Education and Training Boards Ireland

This policy and procedure must be brought to the attention of all staff employed directly by ETBI, through an agency to ETBI and seconded to ETBI, including those on an approved leave of absence.

ETBI will provide this policy and procedure to all staff through appropriate means (e.g. direct correspondence, SharePoint, CPD, induction and mentoring programmes and/or on the ETBI website).

Any queries in relation to the Disciplinary Policy and Procedure should be communicated to internalpolicies@etbi.ie in the first instance.

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1. INTRODUCTION

The Education and Training Boards Ireland (ETBI) is committed to treating all staff fairly and equitably and to helping employees to perform effectively. However, there will be occasions when it may be necessary to invoke disciplinary procedures designed to protect the interests of the company and its employees.

When work falls below an acceptable standard, help will be given to the employee to improve. If standards of work continue to fall and there is a necessity for action, it will automatically begin with a pre-disciplinary informal discussion.

The procedure has been drafted in compliance with the requirements of the Labour Relations Commission Code of Practice on Grievance and Disciplinary Procedures, 2000, the Protection of Employment Act, 1977, the Unfair Dismissal Acts, 1977 to 2001, the Terms of Employment (Information) Act, 1994 and 2001 and best practice guidelines.

2. STAFF MEMBERS COVERED BY THIS PROCEDURE

The procedure applies to all staff employed directly by ETBI, through an agency to ETBI and seconded to ETBI.

3. GENERAL PRINCIPLES

- 3.1 Each staff member is personally accountable for their own behaviour and work performance. Early intervention at the appropriate level to address perceived negative behaviour and/or underperformance is desirable for all parties to minimise the risk of ETBI escalating sanctions as provided for in these procedures. Staff are always reminded that at all times, they should feel free to raise matters of concern to them with their own manager or another member of management. ETBI is committed to treating all staff fairly and equitably and helping employees perform effectively, Where interventions are required to address performance concerns, it is the stated intention of ETBI to seek first to work with individuals to address such issues through training interventions and performance improvement plans in the first instance.

- 3.2 The staff member's line manager will make every effort to address alleged or perceived shortcomings in work standards, conduct or attendance through informal means without invoking the formal disciplinary procedure.
- 3.3 The procedure is intended to comply with the general principles of natural justice, which are included in the following guidelines.
- 3.4 There will be a presumption of innocence. No disciplinary action can be made until an investigation has taken place, the purpose of which will be to decide if a case for disciplinary action is founded. Should the investigation find such, then a formal disciplinary meeting must be convened and the staff member has been afforded the opportunity to respond to the allegations raised.
- 3.5 The staff member will be advised in writing in advance of a disciplinary meeting of the precise nature of the matters concerned and will be given copies of any relevant documentation. In the case of a complaint, this detail will include the source and text of the complaint as received. A complaint should be in writing.
- 3.6 Anonymous complaints of themselves, may not be used as the only evidence in a disciplinary procedure. Where an anonymous complaint(s) has been substantiated by further investigation, that complaint(s) may be introduced as supporting evidence in the disciplinary process.
- 3.7 The staff member will be advised of their right to be accompanied by a work colleague at any meeting under the formal disciplinary procedures.
- 3.8 The staff member concerned will be given the opportunity, including reasonable time, to consider and respond fully to any complaints, allegations or issues of concern. This includes the right and opportunity to avail of appropriate representation at the procedure.
- 3.9 Staff members will be entitled to examine all evidence available, to call any witnesses or persons providing such evidence for questioning, or to call such other persons as they deem appropriate in their support. The staff member may challenge any evidence that may be relied upon when reaching a decision.
- 3.10 In the event of there being relevant information or records in possession of ETBI then such information will be provided to the staff member concerned in advance of any decision being taken in regard to the issue and in such time (having regard to the circumstances of the case) as to allow the staff member to use it in their defense.

- 3.11 The right of a staff member concerned to have access to and to view their personnel file (to include all records in relation to the staff member, in hardcopy or electronic format, held by ETBI) will be fully respected.
- 3.12 If there are any mitigating circumstances that the staff member wishes to be taken into account, the staff member will be afforded an opportunity to make these known at the disciplinary meeting(s).
- 3.13 The staff member concerned has the right to a fair and impartial examination of the issues being investigated, taking into account the allegations or complaints themselves, the response of the staff member concerned to them, any representations made by or on behalf of the staff member concerned and any other relevant or appropriate evidence, factors or circumstance.
- 3.14 In order to facilitate the disciplinary process, the manager and/or investigator, where applicable, will not prejudge the outcome of the meeting and will take into account any mitigating circumstances before deciding on appropriate action.
- 3.15 Where circumstances warrant, a staff member may be placed on administrative leave with full pay pending an investigation or pending the outcome of an investigation, a disciplinary hearing/meeting or the outcome of a disciplinary hearing/meeting.
- 3.16 It will be considered a disciplinary offence for any person to intimidate or exert inappropriate pressure on any person who may be required to attend as a witness.
- 3.17 Where ill health may have affected the staff member's performance or conduct, this matter should be referred to a HR/IR Governance Officer where a confidential independent medical assessment may be organised and appropriate supports, e.g. Employee Assistance Programme, may be arranged.
- 3.18 All matters relating to the disciplinary procedure are strictly confidential to the parties and their representatives involved, and breach of this confidentiality may in itself result in disciplinary action.
- 3.19 Where a decision is taken to impose a disciplinary sanction, the sanction imposed will be in proportion to the nature of the conduct/behaviour/performance that has resulted in the sanction being imposed.
- 3.20 Staff on probation will be dealt with in accordance with ETBI's policy on probation

4. INFORMAL DISCIPLINARY PROCEDURE

- 4.1. If a staff member's standard of job performance, conduct, or attendance falls below an acceptable level, they will, in appropriate cases, be made aware informally, by their manager, that this is unacceptable and informed of the required improvements. If the staff member concerned continues to fail to achieve the required work/conduct standards, the disciplinary procedure outlined below may be invoked.
- 4.2. Issues of professional competence/standards of behaviour will be dealt with by the provision of appropriate support. Minor misconduct, poor performance or minor breaches of rules will normally result in informal counselling or advice being given by the immediate manager. If this approach is not successful, ETBI may escalate it to the formal procedure. Disciplinary action in cases of underperformance will be taken only when the staff member has been advised of their shortcomings and given the opportunity to improve their performance. Reasonable and appropriate support, training and development measures will normally be provided. Where these have failed to result in specified improvement in the performance of the staff member or have no reasonable prospect of resulting in an improvement in performance, disciplinary action will normally follow.

5. FORMAL DISCIPLINARY PROCEDURE

- 5.1 Where a staff member's job performance, conduct or attendance does not meet the required standards despite informal intervention as per section 4 above, the matter will be dealt with under the formal disciplinary procedure.
- 5.2 Disciplinary warnings should specify the standards required and/or the extent to which job performance or conduct falls short of the standards required. Where possible they should also detail the required remedies such as the changes in behaviour necessary (and/or training or counselling if appropriate) to rectify the situation and detail the likely consequences if the required improvement is not forthcoming. A detailed performance improvement plan will form part of this process.
- 5.3 Generally, the steps in the procedure will be progressive; however, depending on the gravity of the situation, a verbal warning, a written warning or a final written warning may be issued at the first stage of the procedure. In the case of gross misconduct, dismissal without notice or dismissal with payment in lieu of notice may be decided upon.

- 5.4 Warnings will cease to have effect following the specified period of satisfactory conduct/performance and will be removed from the record and the staff member will be notified.
- 5.5 There may however be occasions where a staff member's conduct/performance is satisfactory throughout the period the warning is in force only to lapse very soon thereafter. Where a pattern of such conduct/performance emerges and there is evidence of an undermining of the disciplinary process, the staff member's previous conduct and pattern of behaviour may be considered as a whole in a future disciplinary procedure.

6. STAGE I – FORMAL VERBAL WARNING

- 6.1 The first step in any formal process is to let the staff member know in writing the issue that has given rise to the invoking of the disciplinary procedure. The staff member will be advised of the precise nature of the complaint, the reasons why this is not acceptable, details of previous meetings, the standards not achieved, the improvements required and the timescale for improvement. The letter will also invite the staff member to a formal disciplinary meeting at which the issue will be discussed, and it will also inform them of their right to be accompanied at the meeting. A staff member who fails to respond to earlier informal discipline or whose job performance/conduct/attendance does not meet the required standards will normally be invited to a formal disciplinary meeting by their manager.
- 6.2 Adequate notice of meetings under this stage will be given in writing to the staff member.
- 6.3 At each disciplinary meeting all facts and details, and any investigation report will be presented to the staff member by their manager or relevant Management resposdee.
- 6.4 The staff member will be afforded an opportunity and adequate time to respond and state their case fully and to challenge any evidence that is being relied upon for a decision.
- 6.5 Following the meeting(s), the Manager or relevant Management resposdee must decide whether disciplinary action is justified or not. Where it is decided that no action is justified, the staff member will be so informed as soon as possible and, thereafter, in writing.
- 6.6 Where it is decided that disciplinary action at this stage is justified the Manager or relevant Management resposdee will inform the staff member that they are giving a formal verbal warning which will remain in place for a period of 6 months. Disciplinary action may be taken notwithstanding a staff member's failure to attend the disciplinary meeting, in the absence of good reason.

- 6.7 The staff member will be advised that the warning is a formal sanction and constitutes the first stage of the formal disciplinary procedure and failure to improve will result in further action.
- 6.8 The staff member will be advised of their right to appeal against the disciplinary action being taken and the appeal process.
- 6.9 A record of the verbal warning will be retained on the staff members personnel file and a copy will be issued to the staff member. Subject to satisfactory service, the verbal warning will cease to have effect following the expiry of six months.
- 6.10 If the timescale set out for improvement is not met, the matter may be progressed to the next stage of the process without the formal warning has expired.
- 6.11 Stage 1 is normally carried out by the Manager of the staff member, as defined in paragraph 3.2 above. On occasion, it may be necessary for the disciplinary process to be carried out by another member of management.

7. STAGE 2 - WRITTEN WARNING.

- 7.1 If it is alleged that the staff member fails to make the necessary improvements or if the poor performance/conduct/attendance continues or is more serious, they will be invited in writing to a formal disciplinary meeting by a Senior Line Manager or the General Secretary's nominee.
- 7.2 A letter will be sent to invite the staff member to a formal disciplinary meeting at which the matters of concern will be discussed. The staff member will be advised of the precise nature of the complaint, details of previous meetings and the standards not achieved or maintained. The staff member will be informed of their right to be accompanied at the meeting.
- 7.3 Adequate notice of meetings under this stage will be given in writing to the staff member.
- 7.4 At each disciplinary meeting all facts and details, and any investigation report will be presented to the staff member by the Senior Line Manager or the General Secretary's nominee.

- 7.5 The staff member will be afforded an opportunity and adequate time to respond and state their case fully and to challenge any evidence that is being relied upon for a decision.
- 7.6 Following the meeting(s), the Senior Line Manager or the General Secretary's nominee must decide whether disciplinary action is justified or not. Where it is decided that no action is justified, the staff member will be so informed as soon as possible and, thereafter, in writing.
- 7.7 Where it is decided that disciplinary action at this stage is justified the Senior Line Manager or the General Secretary's nominee will inform the staff member that they are giving a formal written warning which will remain in place for a period of 9 months.. Disciplinary action may be taken notwithstanding a staff member's failure to attend the disciplinary meeting in the absence of good reason.
- 7.8 The formal written warning will give details of the complaint, details of previous meetings, the standards not achieved, the improvements required, the timescale for improvement and details of the appeals procedure and the appeals process.
- 7.9 The staff member will also be advised that the warning is a formal sanction and constitutes the second stage of the formal disciplinary procedure, and failure to improve will result in further action.

- 7.10 The staff member will also be advised of their right to appeal against the disciplinary action being taken and the appeal process.
- 7.11 A record of the written warning will be retained on the staff members personnel file and a copy will be issued to the staff member. Subject to satisfactory service, the written warning will cease to have effect following the expiry of 9 months.
- 7.12 If the timescale set out for improvement is not met, the matter may be progressed to the next stage of the process without the formal warning having expired.
- 7.13 Stage 2 is normally carried out at Senior Line Manager level or General Secretary's nominee. The HR/IR Governance Officer will also be involved in an advisory capacity.

8. STAGE 3 – FINAL WRITTEN WARNING

- 8.1. If it is alleged that the staff member fails to make the necessary improvements or if the poor performance/conduct/attendance continues or is more serious, they will be invited in writing to a formal disciplinary meeting by a Senior Manager or General Secretary's nominee to review the increasingly serious nature of the situation.
- 8.2. A letter will be sent to invite the staff member to a formal disciplinary meeting at which the matters of concern will be discussed. The staff member will be advised of the precise nature of the complaint, details of previous meetings and the standards not achieved or maintained. The staff member will be informed of their right to be accompanied at the meeting.
- 8.3. Adequate notice of meetings under this stage will be given in writing to the staff member.
- 8.4. At each disciplinary meeting all facts and details, and any investigation report will be presented to the staff member by the Senior Manager or the General Secretary's nominee.
- 8.5. The staff member will be afforded an opportunity and adequate time to respond and state their case fully and to challenge any evidence that is being relied upon for a decision.
- 8.6. Following the meeting(s), the Senior Manager or the General Secretary's nominee must decide whether disciplinary action is justified or not. Where it is decided that no action

is justified, the staff member will be so informed as soon as possible and, thereafter, in writing.

- 8.7. Where it is decided that disciplinary action at this stage is justified the Senior Manager or the General Secretary/Director's nominee will inform the staff member that they are giving a final written warning which will remain in place for a period of 12 months. Disciplinary action may be taken notwithstanding a staff member's failure to attend the disciplinary meeting in the absence of good reason.
- 8.8. The final written warning will give details of the complaint, details of previous meetings, the standards not achieved, the improvements required, the timescale for improvement and details of the appeal procedure and the appeal process. The staff member will be advised that failure to improve may lead to Stage 4 of the procedure.
- 8.9. The staff member will be advised of their right to appeal against the disciplinary action being taken and the appeals process.
- 8.10. A record of the final written warning will be retained on the staff member's personnel file, and a copy will be issued to the staff member. Subject to satisfactory service, the final written warning will cease to have effect following the expiry of 12 months.
- 8.11. If the timescale set out for improvement is not met, the matter may be progressed to the next stage of the process without the formal warning having expired.
- 8.12. Stage 3 is carried out by a senior member of management or the General Secretary's nominee. A representative from Human Resources will also be involved in an advisory capacity.

9. STAGE 4 – DISCIPLINARY SANCTION ON AND UP TO DISMISSAL

- 9.1 Where it is alleged that
 - a. the staff member has failed to meet the necessary improvements, or the poor performance/conduct/attendance has continued following a final written warning, or
 - b. the performance/conduct/attendance issue is more serious, the Stage 4 disciplinary procedure, which provides for disciplinary sanctions, up to and including dismissal, may be invoked.

- 9.2. A letter will be sent to invite the staff member to a formal disciplinary meeting at which the matters of concern will be discussed with a Senior Manager or the General Secretary's nominee. The staff member will be advised of the precise nature of the complaint, details of previous meetings and the standards not achieved or maintained. The staff member will be informed of their right to be accompanied at the meeting.
- 9.3. Adequate notice of meetings under this stage will be given in writing to the staff member.
- 9.4. At each disciplinary meeting, all facts and details and any investigation report will be presented to the staff member by the Senior Manager or the General Secretary's nominee.
- 9.5. The staff member will be afforded an opportunity and adequate time to respond and state their case fully and to challenge any evidence that is being relied upon for a decision.
- 9.6. Following the meeting(s), the Senior Manager or General Secretary's nominee must decide whether a disciplinary sanction is justified or not. Where it is decided that no action is justified, the staff member will be so informed as soon as possible and thereafter in writing.
- 9.7. Where it is decided that disciplinary sanction short of dismissal is justified, the Senior Manager or the General Secretary's nominee will inform the staff member of the nature of the disciplinary sanction. Paragraphs 9.10, 9.11 and 9.12 set out details of these sanctions. Where it is decided that dismissal should be recommended, the procedures set out in paragraph 9.13 and 9.14 below will apply.
- 9.8. Disciplinary action may be taken notwithstanding a staff member's failure to attend the disciplinary meeting(s) in the absence of good reason.
- 9.9. Stage 4 is carried out by a senior member of management or the General Secretary's nominee not previously involved in the matter. A representative from Human Resources will also be involved in an advisory capacity. The Senior Manager or the General Secretary's nominee concerned will act reasonably in all cases when deciding on appropriate disciplinary action.
- 9.10. In cases of less serious offences, or where ETBI is of the view that there is a realistic prospect of improvement in performance/conduct/attendance, the following disciplinary sanctions may be applied singly or in combination by the relevant Senior Manager or

the General Secretary's nominee, in consultation with Human Resources. These sanctions include, in no particular order:

- Removal from certain duties or transfer
- Suspension with pay
- Deferral/Denial of Access to Progression
- Deferral/Denial of Access to Promotion
- Deferral of Increment(s)
- Removal of Increment(s)
- Demotion and Consequent Reduction in Pay
- Suspension without Pay

9.11. Depending on the nature of the offence, these sanctions can be limited in time or unlimited in time and/or linked to improvements in performance/conduct/attendance. A record of the disciplinary sanction(s) applied at this stage will be retained on the staff member's personnel file and a copy will be issued to the staff member.

9.12. A period of suspension without pay or demotion may arise at the end of an investigation that concludes that the staff member has been guilty of a breach of their employment contract, amounting to misconduct but not gross misconduct. Similar action may be taken in cases of gross misconduct where there are mitigating circumstances. Any deduction of pay will be in accordance with the Payment of Wages Act, 1991.

9.13. Failure to meet the required standard of performance, conduct or attendance following the issuing of a final written warning or suspension/demotion may result in a recommendation being made to dismiss the staff member. In respect of such recommendations, dismissal with notice may be imposed as a disciplinary sanction in cases where the staff member has been found to have committed a serious offence or where there has not been an improvement in performance/conduct/attendance despite written warnings. In cases of gross misconduct, dismissal without notice or dismissal with payment in lieu of notice may apply.

9.14. A decision to dismiss a staff member is taken by the General Secretary or their nominee as appropriate.

The General Secretary, together with an HR/IR Governance Officer, will meet with the staff member and their representative and will inform them of the decision to dismiss,

and the basis for this decision. The staff member will be informed of the appropriate notice arrangements and their right to appeal.

- 9.15. The staff member will be advised of the procedure for appealing and the appeals process.

10. MISCONDUCT AND GROSS MISCONDUCT

- 10.1 Offences connected with the disciplinary procedure as set out in paragraphs 3.16 or 3.19 can be considered as misconduct or gross misconduct, depending on the circumstances.
- 10.2 Findings of bullying will be considered as either misconduct or gross misconduct, depending on the seriousness of the offence.

Misconduct

- 10.3 The following definitions are designed to assist in the operation of these disciplinary procedures and in identifying the types of behaviour that are considered unacceptable. The definitions are examples only, and each case must be considered on its merits.
- 10.4 Misconduct occurs when a staff member fails to adhere to either acceptable or appropriate levels of conduct or work performance. It will result in the earlier stages of the disciplinary procedures being followed. Examples include:
- Repeated poor performance
 - Unauthorised absence(s)
 - Regular or persistent lateness
 - Unsatisfactory attendance
 - Refusal to obey a legitimate instruction
 - Disregard of safety and/or security regulations
 - Deliberate minor damage to or misuse/abuse of ETBI property

- Willful neglect of duties, including incapability due to abuse of alcohol or non-prescribed drugs
- Inappropriate workplace behaviour

The above examples are only intended as illustrative of misconduct which would not be considered gross misconduct. They are not intended to define the full range of conduct, behaviour, performance or other issues which may give rise to the taking of disciplinary action.

Gross Misconduct

10.5 Gross misconduct is any act or omission which is so serious as to require ETBI to consider terminating the staff member's contract of employment without having to go through all the steps in the disciplinary process. The following are some examples of offences which constitute gross misconduct where the progressive stages of the disciplinary procedure may not apply, and which may result in dismissal without notice:

- Theft
- Serious act of dishonesty in relation to one's employment
- Deliberate and serious damage to ETBI property
- Fraud or deliberate falsification of documents which includes unauthorised removal and destruction of document(s) and ETBI record(s). This includes but is not limited to paper records, any information kept on computer disks/memory cards and any other form of record
- Gross negligence or dereliction of duties
- Refusal to comply with a legitimate instruction(s) resulting in serious consequences • Serious or persistent incapacity to perform duties brought on by alcohol, illegal drugs, by use of unprescribed drugs or by a deliberate misuse of prescribed medication
- Having illegal drugs, substances or materials on one's person or in one's possession, custody, or control on ETBI premises, except in cases where approval has been granted to hold such material for research and the said possession, custody, and control is consistent with that approval
- Serious breach of health & safety regulations
- Serious abuse/misuse of the organisation's property/equipment
- Serious and deliberate breaches of confidentiality

- Unlawful discrimination, sexual harassment or harassment of a serious nature against a staff member or customer, including students
- Physical violence
- Deliberately accessing and/or downloading pornographic or obscene material from the internet and/or email
- Circulation, dissemination or display of offensive, obscene or indecent e-mails, text messages or other material, including material downloaded from the internet
- Bringing ETBI's name into serious disrepute
- Serious and deliberate failure to comply with a legitimate instruction
- Serious and significant non-compliance with the requirements of any formal ETBI policy or procedure
- Conviction of any criminal offence which may render the staff member unsuitable for employment or which will adversely affect ETBI's interests.

Note: the above list is not exhaustive.

10.6 The employment of a staff member might also terminate in cases of frustration of contract or job abandonment.

II. PROCEDURE IN CASES OF ALLEGED GROSS MISCONDUCT

Investigation

- 11.1 In all cases of alleged gross misconduct, a full investigation will immediately be carried out to establish the facts in accordance with the following principles
- This investigation will be carried out by the General Secretary or their nominee(s) as appropriate.
 - The investigation will be conducted thoroughly and objectively and with due respect for the rights of the staff member to natural justice.
 - The Investigation will be governed by clear terms of reference.
 - The Investigator(s) will be (a) senior manager(s) not previously involved in the case or in some instances a suitable third party.

- Every effort will be made to carry out the investigation without undue delay and to adhere to the agreed timescales. However, the timescales may be extended in exceptional circumstances.
 - The staff member will be advised of the right to be accompanied by a union representative(s) or work colleague throughout the investigation.
 - The provisions of paragraphs 3.16, 3.19 and 10.1 will apply to this investigative process
- 11.2 The staff member may be placed on administrative leave pending the processing or outcome of an investigation. This is a protection for all involved and not a disciplinary sanction.
- 11.3 On completion of the investigation, the investigator(s) will submit a written report of their findings to senior management and to the staff member. If the outcome of the investigation is that disciplinary action is warranted in respect of the alleged misconduct, a disciplinary meeting will be convened by the General Secretary/Director nominee and invoked at the appropriate stage of the disciplinary process.

12. APPEAL

- 12.1 A staff member on whom a disciplinary sanction (including warnings) has been imposed at any stage of the procedure has the right of appeal. The staff member should inform Human Resources in writing of their intention to appeal and the initial grounds for the appeal. The notice of appeal should be submitted by close of business on the tenth working day following the staff member being notified of the disciplinary sanction.
- 12.2 The appeal will be conducted as soon as possible thereafter. The staff member will be given an opportunity to state their case and will be entitled to be accompanied/represented by a fellow staff member, but not any other person/body unconnected with the ETBI.
- 12.3 At Stages 1, 2 and 3, the appeal will be heard by another Manager at or above the level of the Manager taking the action and who had no other previous involvement with the case. The person/persons hearing the appeal will not have been involved in the original disciplinary meetings or any investigative process.
- 12.4 At Stage 4 or in cases of gross misconduct, the appeal will be heard by a Disciplinary Panel comprising of up to two ETBI senior managers (not previously involved in the process) nominated by the General Secretary or their nominee and an external third-

party Chair agreed between ETBI and the staff member or work colleague acting on behalf of the staff member concerned.

12.5 Where the grounds of the appeal relate to

- an overly severe sanction, or
- correct procedures not having been applied, or
- mitigating circumstances,

It is accepted that a de novo appeal is not appropriate. A decision on whether an appeal on any other ground will proceed by way of a de novo hearing will be made by the person hearing the appeal (under Stages 1 to 3) or by the Chairman of the Panel (under Stage 4).

12.6 The person/Panel hearing the appeal is entitled to overturn, modify or uphold the decision.

12.7 The person/Panel may withdraw, reduce, vary or increase the sanction appealed against.

12.8 The decision on appeal is the final stage of the ETBI procedure and is binding subject to any external appeal that may be brought.

13. NOTICE OF TERMINATION

13.1 Except in circumstances justifying immediate termination of a staff member's employment from ETBI, the staff member will be entitled to receive the appropriate period of notice set down in the Minimum Notice and Terms of Employment Act, 1973 – 2005.

14. VARIATION

14.1 The policy may be amended at any time following consultation between management and staff.

15. REVIEW OF POLICY

- 15.1 There will be a review of this policy two full years after its introduction or earlier if deemed necessary by ETBI management.