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Disciplinary Procedure

Dyslexia Ireland requires the highest standards of performance, conduct and commitment from staff. Dyslexia Ireland is committed to treating all individuals fairly and equitably and to helping them perform effectively. However, where Dyslexia Ireland believes that a staff member falls short of these requirements it may be necessary to invoke disciplinary procedures that are designed to protect the interests of both Dyslexia Ireland and its people.

The purpose of the procedure is to acquaint staff with the concerns of Dyslexia Ireland and to identify the steps necessary to rectify the situation. Dyslexia Ireland will assist staff in achieving the required standards wherever possible.

Purpose and Scope

This procedure is designed to help and encourage all members of staff, who have passed their probationary period, to achieve and maintain standards of conduct, attendance and job performance. This policy does not apply to agency workers or self-employed contractors or individuals who are on probation. This procedure does not form part of your employment contract. We may amend this procedure from time to time at our sole discretion. We may also vary the procedure, as appropriate in any case. For example, training and review periods are more likely to be appropriate where the concerns are performance-based as opposed to conduct-based.

Informal Process

Minor matters may be dealt with informally, with individual members of staff being made aware of the problem and given an opportunity to explain the circumstances. Having made the individual aware of the deficiencies in their performance or conduct and appropriate measures that can be taken to assist, an action plan is then formulated with them. Such preliminary discussions will not form part of the disciplinary procedure; however, the individual should be advised that further breaches may lead to formal disciplinary action. The discussion should be documented and signed by both parties.

It is expected at this stage that maximum effort should be made to train, guide, or in some way help the individual to bring their conduct or performance up to an acceptable standard.

Investigation

We will look into concerns about your conduct or performance carefully. What is involved will depend very much on the circumstances.

If there are concerns about your conduct, in some cases it will be clear straightaway that holding a hearing under this procedure is appropriate. In other cases, an investigation may be necessary before deciding whether to hold a hearing.

If the concerns are performance related, an investigation may not be required in advance of a hearing under this procedure and a Performance Improvement Plan (PIP) may be appropriate as outlined below.

An investigation is a fact-gathering process for us to ascertain any relevant information relating to a particular allegation against an employee, so that we can determine whether a disciplinary hearing is warranted. No disciplinary sanction can be issued at this stage. The length of the investigation will depend on the nature of the allegations and will vary from case to case. An investigation may involve interviewing and taking statements from any witnesses, and / or reviewing relevant documents. You may be interviewed during such an investigation (but not necessarily). You must co-operate fully and promptly in any investigation. This will include disclosing the names of relevant witnesses, sharing any relevant documents and attending investigative interviews if required.

Performance Improvement Measures

A PIP is a structured process designed to help employees enhance their performance by identifying specific areas for development, setting clear expectations, and providing support and resources. It may be appropriate before moving to disciplinary hearing. It serves as a formal framework for addressing performance issues while offering employees a fair opportunity to improve. PIPs typically include measurable goals, timelines, and regular feedback to ensure progress. The ultimate aim is to foster professional growth, align employee performance with organisational standards, and, when successful, retain valuable talent while enhancing overall productivity.

The responsibility for the performance management process falls to the line manager in the first instance, with support from senior management.
The line manager needs to:

1. Let the employee know that their performance is not up to the required standard.
2. Agree a PIP with ongoing review dates. The PIP will outline the improvement expected and the resources/support that will be provided to assist in achieving this outcome.
3. Give the employee a reasonable period of time to improve and undertake any training/development deemed necessary.
4. Offer the employee appropriate supervision by their line manager.

At the end of this period another meeting will be arranged to review progress.

If the progress is not sufficient then a decision may be taken to either move to a disciplinary hearing or to extend the PIP before using the disciplinary process.

Disciplinary Hearings

If the conclusion of the investigation or PIP process (as appropriate) is that a disciplinary hearing is warranted, you will be invited to a disciplinary hearing. It will be for the disciplinary chair to decide at the end of the disciplinary hearing if the allegations are substantiated and, if so, what the appropriate sanction(s) proportionate to the allegations should be (taking into account any relevant mitigating circumstances).

You will be furnished with details of the allegation(s) or complaints(s) made against you and you will be given the opportunity to respond fully to such allegation(s) or complaint(s) before any decision is taken. Where it is considered necessary, details of the allegation(s) or complaint(s), including witness statements (if any), may be provided in writing to you in advance of any disciplinary hearing.

You may be accompanied by a work colleague to any disciplinary hearing. You must tell the disciplinary chair in good time before the hearing who the chosen companion is. Employees are allowed reasonable time off from their duties without loss of pay to accompany a work colleague to a disciplinary hearing. In some circumstances your choice of companion may not be permitted, for example, due to a conflict of interest or where their presence may prejudice the hearing. If the person you wish to attend the meeting with you is unavailable on the date we propose, you must suggest a reasonable alternative time within five working days following the original date of the meeting or choose an alternative companion.

You must take all reasonable steps to attend the hearing. If, for any reason, you are not able to attend on the date or at the time fixed, you should tell us at once and explain why. If you cannot attend, having said that you would (for example because you become ill), you should tell us as soon as possible.

Dyslexia Ireland may have to carry out a disciplinary hearing in your absence if, after reasonable attempts to reschedule, you fail to attend the hearing and may have to make a decision based on the evidence available to it. In certain circumstances if you cannot attend a disciplinary hearing, you may be provided with the opportunity to make written submissions.

If, in light of what is said at the hearing, the disciplinary chair thinks it appropriate to look into matters further before making a decision, they will tell you and may adjourn the hearing. The task of looking into matters further may be handed back to the investigator or PIP manager where appropriate. If the results of further investigations are particularly significant, before deciding whether or not the concerns are justified, the disciplinary chair

will normally give you an opportunity to comment on the results of the investigations either at a reconvened hearing or in writing.

Principles Relating to Serious Matters

- No disciplinary action will be taken against a member of staff until the case has been fully investigated. In some cases, it may be necessary for an individual to be suspended on a precautionary basis until the investigation has been completed. Full pay will be maintained during the suspension period.
- No member of staff will be dismissed for a first breach of discipline except in the case of gross misconduct, when the penalty may be dismissal without notice or payment in lieu of notice.
- The employee has the right to appeal against any disciplinary penalty imposed.
- The procedure may be implemented at any stage if the staff member's alleged misconduct warrants such action.

At every stage in the disciplinary hearing process the employee:

- will be informed in writing, initially of the nature of the complaint and then updated as necessary.
- has the right to state their case and defend themselves before any decision is made.
- has the right to a fair and objective investigation/hearing.
- has the right to consider and respond to the evidence presented against them.
- has the right to be accompanied by a work colleague. This companion may confer with the individual and address the hearing but will not be permitted to respond to questions on the individual's behalf.

Disciplinary Procedure Stages and Sanctions

The formal stages of the procedure will normally be applied progressively but the action taken in each individual case will be related to the nature and seriousness of the matter. Although lapsed warnings are typically not taken into account for disciplinary actions, they may be considered where there is a repetition of a similar type of offence. Dyslexia Ireland reserves the right to enter at any stage of this procedure depending upon the gravity of the matter.

Stage 1 – Formal Verbal Warning

If, as a result of a disciplinary hearing held in accordance with this procedure, it is found that your conduct, attendance or performance does not meet acceptable standards, you will normally be given a formal verbal warning. You will be advised of the following, as appropriate:

- the reason for the warning;
- the corrective action necessary;
- the time in which to achieve the improvement;

- what the consequences may be if there is no satisfactory improvement within a specified timescale or if another incident of misconduct occurs; and
- the right of appeal.

In the case of poor performance, this warning may be accompanied by a PIP.

A note of the verbal warning will be kept on your personnel file, but it will be removed after 6 months, subject to satisfactory conduct, attendance or performance – provided the problem giving rise to the warning has not been repeated during the period of the warning.

Stage 2 – First Written Warning

Should conduct, attendance or performance not improve satisfactorily, or if a further offence occurs, or if, following Stage 1, corrective action has not been taken, or if the offence is considered sufficiently serious, a written warning will be given to you. This will give details of the following, as appropriate:

- the reason for the written warning;
- the corrective action necessary;
- the time in which to achieve the improvement;
- what the consequences may be be if there is no satisfactory improvement within a specified timescale or if another incident of misconduct occurs; and
- the right of appeal.

In the case of poor performance, this warning may be accompanied by a PIP.

A copy of this written warning will be kept on your personnel file, but it will be removed after 12 months, subject to satisfactory conduct, attendance or performance and provided the problem giving rise to the warning has not been repeated during the period of the warning.

Stage 3 – Final Written Warning (which may include suspension without pay and/or withholding of a benefit)

If there is still a failure to improve and/or conduct, attendance or performance is still unsatisfactory, or if a further offence occurs, or if the misconduct is sufficiently serious to warrant it, a final written warning will normally be given to you.

This will give details of the following, as appropriate:

- the reason for the written warning;
- the corrective action necessary;
- the time in which to achieve the improvement;
- that dismissal may result if there is no satisfactory improvement within a specified timescale or if another incident of misconduct occurs; and

- the right of appeal.

In the case of poor performance, this warning may be accompanied by a PIP.
A copy of this final written warning will be kept on your personnel file, but it will be removed after 12 months (in exceptional cases the period may be longer) subject to satisfactory conduct, attendance or performance.

Stage 4 – Dismissal/Other Disciplinary Action

If conduct, attendance or performance is still unsatisfactory or you fail to reach the required standards, or if a further offence occurs, or in circumstances of gross or serious misconduct, further disciplinary action up to dismissal (with or without notice) may be taken.
Alternatively, in appropriate cases, consideration will be given to imposing a disciplinary sanction short of dismissal which could include one or more of the following:

- suspension with pay;
- suspension without pay;
- demotion to a lower position and/or salary; or
- transfer to another position.

You will be provided, as soon as reasonably practicable, with written reasons for the disciplinary sanction, which in the case of dismissal will include the date on which your employment will terminate. The written outcome will also advise you of your right to appeal the disciplinary sanction.
Depending on the seriousness of the matter and all the circumstances of the case any of the above stages may be omitted.

Review periods

In addition to taking any disciplinary action, Dyslexia Ireland will consider whether or not a review period is appropriate. A review period is likely to be appropriate in cases of poor performance or repetitive misconduct such as lateness. During a review period, targets for improvement may be set in a PIP. Failure to improve adequately during or by the end of a review period may result in further disciplinary action. In the case of poor performance, the review period may be set out in a PIP.

Gross misconduct

In cases of particularly serious misconduct referred to as “gross misconduct” Dyslexia Ireland may summarily dismiss an individual without recourse to the procedure contained in Stages 1 to 3 , but only after having conducted an investigation (where necessary) and a disciplinary hearing as set out above and having considered other possible disciplinary action short of dismissal.
The following non-exhaustive list provides examples of conduct which will be considered to be gross misconduct:

- Insubordinate behaviour and/or repeated failure or refusal to perform work assigned.

- Reporting for work having taken an intoxicant or unprescribed drug, and, in the opinion of the management, being unfit to carry out normal duties.
- Fighting, provoking or instigating a fight on Dyslexia Ireland premises.
- Threatening or intimidating behaviour.
- Indecent conduct.
- Abusive language.
- Falsifying, changing or altering in any way documents or records, supplied during the employment process, and/or at any stage any documents or records relevant to the business of Dyslexia Ireland.
- Theft, destruction or defacing of Dyslexia Ireland's property or the property of a fellow employee or client.
- Deliberate violation of a safety rule or engaging in an activity which puts the safety of other staff members or clients at risk.
- Divulging confidential information relating to the affairs of Dyslexia Ireland to unauthorised persons.
- Any breaches of Dyslexia Ireland's policies, e.g. Child Protection, Vetting, Harassment or Equal Opportunity.
- Uploading any unauthorised software, files or data to any computer system.
- Unauthorised use of computer data.
- Accessing indecent images or inappropriate websites.
- Gambling on Dyslexia Ireland premises.
- Breach of trust.
- Violation of health and safety rules and practices.
- Action which brings Dyslexia Ireland's name into disrepute and any other actions, either during or outside working hours, which renders undesirable an employee's continued employment by Dyslexia Ireland.
- Breach of Dyslexia Ireland's policies on bullying, harassment and sexual harassment.

This list is not intended to be exhaustive but to serve as an indication of issues constituting gross misconduct.

Appeals

If you wish to appeal against a dismissal or other disciplinary action taken, you should inform the person who advised you of the disciplinary outcome in writing within five working days from the date of notification of the decision. You must provide written grounds of appeal. The appeal will be based on the specific grounds of appeal and will not be a full re-hearing.

We will endeavour to ensure that the person hearing the appeal will not have been involved in the earlier investigation and disciplinary process and will be, where practicable, at the same level or senior to the manager who conducted the initial disciplinary hearing. We may

appoint an external third party to conduct an appeal process where appropriate at the discretion of Dyslexia Ireland.

If you are appealing against dismissal, the date on which dismissal takes effect will not be delayed pending the outcome of the appeal. However, if the appeal is successful you will be reinstated with no loss of continuity or pay.

You must take all reasonable steps to attend any appeal hearing. If, for any reason, you are not able to attend on the date or at the time fixed, you should tell us at once and explain why. If you cannot attend, having said that you would (for example because you become ill), you should tell us as soon as possible.

As at the disciplinary hearing, you may choose to be accompanied at any appeal hearing by a work colleague and the same procedures as above will apply.

The procedure to be followed at any appeal hearing will be determined by the person hearing the appeal. It may vary according to the nature of the appeal.

At the appeal, any disciplinary penalty imposed will be reviewed but it cannot be increased.

You will be informed in writing of the final decision as soon as reasonably practicable, usually within seven working days of the appeal hearing. There will be no further right of appeal.

Suspension with Pay

Depending on the allegations, we may need to suspend you from work in order to facilitate the proper holding of an investigation and any disciplinary process. The period of the suspension will be for no longer than is necessary. We will confirm the arrangements to you in writing.

Dyslexia Ireland reserves the right to suspend an individual in the following circumstances:

- In order to facilitate an investigation
- Cases involving alleged gross misconduct
- Where relationships have broken down
- Where there is a financial, reputational or regulatory risk
- Any other circumstances not listed above that would render suspension appropriate.

Suspension of this kind is not a disciplinary sanction. While suspended, the staff member should not attend Dyslexia Ireland's premises or contact Dyslexia Ireland's members, clients, customers, suppliers, contractors or staff, unless authorised to do so.

You will continue to receive full basic salary and benefits during the period of suspension.

Confidentiality

All parties involved in the disciplinary procedure must treat any information obtained during the informal or formal procedure in the strictest of confidence. Dyslexia Ireland will do its utmost to ensure that all matters related to a disciplinary procedure are treated confidentially. However, it is not possible to guarantee confidentiality and/or anonymity to anyone involved in the procedure or to any information received during the course of the procedure, especially in situations where Dyslexia Ireland has a legal obligation to report a matter to relevant authorities, for example, Tusla or An Garda Síochána. There may be occasions in which members of Dyslexia Ireland may have or legitimately believe they have, a duty to disclose information to Dyslexia Ireland where there is serious concern regarding the risk to health and safety of an individual or to another person.

Staff members are not permitted to comment on disciplinary matters involving them or their colleagues on social media, email etc. This is not limited to communication forums within Dyslexia Ireland. Individuals must not comment in any publication inclusive of the press, a journal, or the internet whether created inside or outside of Dyslexia Ireland. To do so without appropriate authorisation could result in disciplinary action, up to and including dismissal for gross misconduct.

Meetings using electronic means

Any meeting held under this procedure may take place using suitable electronic means. As long as you and any other participant (e.g. a witness or companion) can hear, see and speak to each other at relevant times, it is immaterial whether everyone is in the same place.

If your participation may be prejudiced by a meeting using electronic means, for example because you lack suitable equipment or have a disability which would affect your participation, you should tell us in good time. In such circumstances, we will consider modifying the arrangements for the meeting (which may include holding the meeting or some aspect of it in person).

If you find communication is impaired for any reason during a meeting (e.g. screen freezing, losing sound), you should tell the person chairing the meeting at once. If communication deteriorates, we will do what we can to remedy matters for example by finding other equipment, speaking on the phone or making other modifications such as holding some aspect of the meeting in person.

Reference to “suitable electronic means” means technology which ensures that at any time which is relevant each person participating in the meeting may hear, see and speak to any other person participating.

Use of recording devices

You, and anyone accompanying you (including witnesses and companions), must not make any recordings (whether on your own device or on a Dyslexia Ireland device) of any meeting or conversation under this procedure without the express consent of the person or people being recorded. This consent must be obtained in advance of making any recording. Making a recording without the consent of the person or people being recorded will be treated as gross misconduct and may lead to the summary termination of your employment.

Policy Status and Amendment

This policy does not form part of Dyslexia Ireland employees' contracts of employment and may be amended at any time.