

Temple Carrig School

Disciplinary Procedures for Teaching Staff 2019

Introduction

In line with Section 24(3) of the Education Act, 1998 the Department of Education & Skills introduced new disciplinary procedures for teaching staff in 2010. Temple Carrig School will adhere in full to these procedures in cases where they are required.

The full details of these procedures are available on www.education.ie. What follows is merely a brief summary guide to introduce and explain the process.

The new procedures were introduced to deal with instances where there may be:

- A threat to the health and safety of students
- Work or conduct issues
- Sustained failure to perform professional duties adequately

The principles of natural justice shall apply – ie:

- Presumption of innocence
- Written notice (detail, document, etc)
- Access to one's personal file
- Opportunity to respond
- Right to representation
- Right to appeal (in court)

Competence Issues

Teachers are expected to maintain appropriate professional standards and to address competence issues, using external assistance if required. It is not the responsibility of parents to be involved in this process.

Where a competence issue is identified, it will usually progress through all the stages outlined below. The aim is to help the teacher improve, rather than to penalise them and the teacher will be encouraged to avail of a range of supports, internal or external to the School.

The stages involved are as follows:

Stage 1a Informal

The Principal will meet with the teacher, advise them orally of the specific nature and extent of the concerns and try to resolve issues. The teacher will be given details of the procedures and a range of possible supports will be suggested and discussed.

Stage 1b Formal

A further meeting may be required where possible further planning and supports may ameliorate the perceived problem. After this meeting the Principal shall issue a written report to the Board of Management. The teacher shall receive a copy of this report and have the right to reply. They will also have the option to move directly to Stage 3 of

these procedures. Where there are sufficient grounds, an improvement plan may be put in place for the teacher.

Stage 2 External Review

A Chief Inspector of the DES may be invited to send one or more inspectors to visit the School to review the work of the teacher. They will sit in on a number of classes and report on what they have found to the Board of Management.

Stage 3 Board Hearing

The Board will meet the teacher (representation is recommended) to consider the matter and whether further disciplinary action is required. If it is decided to take disciplinary action, the Board may avail of any of the following range of sanctions:

- Final written censure
- Deferral of an increment
- Withdrawal of an increment or increments
- Suspension with pay
- Suspension without pay
- Dismissal

The Board will inform the DES of the nature of the disciplinary action.

Stage 4 Appeal hearing

The teacher may appeal against the proposed action of the Board of Management, in which case an independent appeal panel will be established.

Conduct Issues

Conduct issues will also be dealt with through a series of stages, although in cases of gross misconduct the early stages may not apply, depending on the gravity of the offence. A non-exhaustive list of issues that might be considered to be gross misconduct is included in the 2010 DES Disciplinary Procedures Guidelines.

Issues shall, where possible, be dealt with through informal discussion between the Principal and the teacher, although the teacher should be advised that the matter may move to the more formal process if not resolved. In such cases, the Principal shall advise of the problem and the required improvement and the teacher will be offered the opportunity to respond. Where an improvement might be effected without recourse to disciplinary action, the matter can be considered closed at this point.

Where a teacher's conduct does not meet the required standards despite such informal intervention, the matter shall be dealt with under the following disciplinary procedure:

Stage 1 Verbal Warning

A formal disciplinary meeting with the teacher will be convened by the Principal. The teacher shall be given at least five school days' written notice of the meeting, as well as the specific nature of the complaint and any supporting documentation. The teacher may be accompanied at this meeting by a trade union representative or a colleague.

At this meeting, the teacher will be afforded the opportunity to respond and state their case, as well as to challenge any evidence. Having considered the response, the Principal may issue a verbal warning which will state the improved required, and the timescale for improvement. The teacher will be advised of their right of appeal the Principal's decision to a Board of Management nominee, and also that further disciplinary action may be required if there is no improvement or if the process is undermined.

Subject to satisfactory service, the verbal warning shall expire after a six-month period.

Stage 2 Written Warning

If, having received a verbal warning, the teacher's conduct is perceived by the Principal to be less than satisfactory in relation to that required at Stage 1, a further meeting shall be convened.

This meeting shall follow a similar process to Stage 1, with the following main differences:

- Seven days notice
- The teacher meets the Principal AND a Board of Management nominee
- A written warning remains active for nine months
- The teacher can appeal to the Board of Management

Stage 3 Final Written Warning

If, having received a written warning, the teacher's conduct is still perceived by the Principal to be less than satisfactory, a further meeting shall be convened.

This meeting shall follow a similar process to Stage 2, with the following main difference:

- The final written warning will remain active for twelve months

Stage 4 Board Hearing

If it is perceived that the poor work or conduct has continued after the final written warning or if the misconduct is considered to be of a serious nature, the Principal shall prepare a written report for the Board of Management. The teacher will receive a copy of this report and be expected to produce a written response.

A meeting with the Board will be convened. The teacher shall be given at least ten school days' written notice of the meeting and may be accompanied at this meeting by a maximum of two trade union representatives or colleagues. The Principal will formally present the evidence at the meeting and the teacher will be given the opportunity to state their case and challenge the evidence.

Having considered the evidence, the Board will decide on the appropriate action. If it is decided that further disciplinary action is warranted, the Board may avail of any of the following options:

- Deferral of an increment
- Withdrawal of an increment or increments
- Demotion (loss of post of responsibility)
- Other disciplinary action short of suspension or dismissal
- Suspension with pay
- Suspension without pay
- Dismissal

The sanction will be in proportion to the nature of the issue and the Board will inform the DES of the nature of the disciplinary action. Where disciplinary action short of dismissal is proposed, the case will be reviewed by the Board within a specified time period to consider whether further disciplinary action is required.

Stage 5 Appeal

It will be open to the teacher to appeal against the proposed disciplinary action arising from Stage 4 to an independent disciplinary appeal panel appointed by the Board of Management. The grounds for appeal are outlined in the 2010 DES Disciplinary Procedures Guidelines.

Approved by the Board of Management following a consultation process with the Student Council, PTA Committee and Teaching Staff:

28th June 2019