



The Catholic Institute for Deaf People

Manual of Employment Policies and Procedures

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Preface

The manual of employment policies and procedures reflects the ethos of CIDP and its acknowledgement of the crucial role played by its employees in the service of Deaf people and ensures that all employees are treated equally.

The policies and procedures are intended for all CIDP employees but recognises that specific terms and conditions of employment are in place for the teaching staff of the Holy Family School for Deaf children. Notwithstanding this, the policies and procedures laid down in this manual are the standards committed to by CIDP.

In the event of concerns or questions relating to these policies and procedures they should be raised with the employee's line manager or the Chief Executive Officer of CIDP. It is intended that this manual will be updated on a regular basis to reflect legislative changes and best practice.

1 The Catholic Institute for Deaf People

1.1 Structure

Catholic Institute for the Deaf (CID) as it was originally known was established in 1845 under the auspices of the Dublin Archdiocese to cater for the educational needs of Irish Deaf Children. It was incorporated as a company limited by guarantee in 1993 to continue its work as a charitable and non-profit making body. CID changed its name in 2007 to the Catholic Institute for Deaf People (CIDP). The objectives of CIDP are to provide enabling services to Deaf people, including education and pastoral and religious care.

The Roman Catholic Archbishop of Dublin is the President of the company and appoints the Board members.

The following are the main operations now under the umbrella of CIDP:

- St. Joseph's Residence for Deaf Boys, Cabra (day and residential)
- St. Mary's Residence for Deaf Girls, Cabra (day and residential)
- St. Joseph's House for Adult Deaf and Deaf Blind, Stillorgan
- The National Chaplaincy for Deaf People

1.2 Mission

The mission of Catholic Institute for Deaf People (CIDP) is to promote its core values and to work with and serve the Deaf Community of Ireland by:

- Recognising the distinctive needs of Deaf People
- Promoting and representing the interests of Deaf People
- Supporting the education, development and day to day living of Deaf People
- Providing the Deaf Community in Ireland with pastoral and religious care
- Supporting Deaf People to achieve their full potential

All job posts within the Catholic Institute for Deaf People exist to contribute towards achievement of this mission. In this context, the term "Deaf People" refers to people with all levels of deafness.

1.3 Core Values

The core values of CIDP are derived from its Christian ethos and the ideals of the Catholic Church.

- CIDP respects other denominations and its support and services are available to Deaf People of all denominations.
- The core ethos of CIDP is based on caring and serving.
- People who are Deaf are the central focus of CIDP plans and work.
- CIDP strives to serve the interests of all categories of Deaf People.
- CIDP is fully committed to working in partnership with Deaf People, with other organisations for and of the Deaf and with public sector bodies in representing and serving the interests of Deaf People.
- CIDP promotes the highest professional and ethical standards and strive for excellence in all areas of activity in serving the interests of Deaf People.
- The CIDP organisational and employment structures are operated for Deaf People.

2 Attendance at Work

2.1 General

CIDP attaches great importance to timekeeping and attendance and uses appropriate means to record and monitor attendance at work in line with the requirements of the Working Time Act 1997.

Employees should be at their place of work, ready to start work at their normal starting time.

Disciplinary action up to and including dismissal may be taken against any employee who has an unacceptable level of attendance or an unsatisfactory timekeeping record.

2.2 Absence from Work

CIDP has an expectation of regular attendance at work by all employees. However, it is acknowledged that employees may, from time to time, be absent from work due to illness. It is the policy of CIDP to treat all such absences in a fair and consistent manner, while weighing up the impact of such absences on the ability of CIDP to function effectively.

CIDP is committed to protecting the rights of any employee who has a disability, and where a disability is affecting an individual's ability to perform in their role, reasonable accommodation may be provided. All cases of disability will be dealt with in a fair and consistent manner.

Records will be retained of Employee sick leave. Where this is deemed excessive, or where patterns of leave are identified, the Employee will be notified of CIDP concerns and the steps that will be taken. A poor record of attendance may lead to disciplinary action up to, and including, dismissal.

In the event of absence from work, you are required to contact your immediate Supervisor/Manager before your normal starting time on the first day of absence and thereafter to keep your Manager fully informed throughout the period of absence. The Employee is required to contact their immediate Supervisor/ Manager directly by phone. Where their Supervisor/Manager is unavailable, a message may only be left with another Supervisor/Manager, and not a colleague of the employee at the same level. It is the responsibility of the employee to notify CIDP of their absence personally. Notification from a friend, other family member etc. will only be accepted in exceptional circumstances.

When notifying CIDP of the absence it is important to provide details of the expected duration of absence. Where an absence extends beyond this expected return to work date, there is a requirement that the Employee will again notify CIDP of their ongoing absence in advance of their normal start time. Medical certificates must be provided as per our policy outlined below.

CIDP expects acceptable levels of attendance from employees in fulfilling their statement of terms and conditions of employment. To this end, CIDP reserves the right to refer an employee to an Institute nominated medical practitioner for an independent medical assessment and to seek a full medical report in order to make reasonable decisions in relation to the employee's capacity to fulfil their terms and conditions of employment. Circumstances, which are likely to give rise to such a report being sought, are where absence is excessive or there are patterns of absence leading to a suspicion of abuse of sick leave or where it is felt that Employee's health is having a negative impact on work performance. CIDP is committed to encouraging employees to return to work following periods of absence. However, persistent and/or excessive absenteeism may result in disciplinary action or frustration of the employee's contract of employment.

2.3 Sick Pay

CIDP's Policy is to assist employees during periods of genuine sickness. The sick pay scheme is a benefit provided by CIDP to employees who are genuinely unfit for work as a result of illness. It is not an automatic entitlement and is at the discretion of CIDP, subject to complying with the organisational rules as outlined below. Employees, who have completed a satisfactory probationary period, may be paid for up to 6 weeks of illness at their full rate of pay in any rolling 12-month period. Payment is on a pro rata basis, depending on the individual employee's contract.

CIDP's Sick Pay Policy does not contain provisions in respect of any payment for longer-term absence from work. However, CIDP reserves the right, at their discretion and on an exceptional basis, to make payments to an employee in respect of a serious or critical illness.

An employee may be entitled to claim illness benefit from the Department of Social Protection, subject to them meeting certain qualification criteria. Employees are recommended to contact the Department directly for further information.

The benefits outlined here apply to full-time Employees. Part-time Employees will receive a pro-rata benefit based on normal working hours. Where an Employee does not work the same hours every week, payment will be based on the average hours worked over the 13 weeks prior to the first date of absence.

Condition of payment of sick pay

- The full amount of any entitlement to Social Welfare benefit must be claimed and surrendered to CIDP as soon as possible after receipt. Employees are entitled to claim State benefit when absent through illness for more than seven days. Where a staff member fails to claim benefit CIDP reserves the right to deduct the equivalent amount from his/her wage/salary.
- Where an employee persistently fails to refund Social Welfare benefit CIDP reserves the right to withdraw the sick pay.
- The employee must inform their Supervisor/Manager on the first day of absence and may be asked to substantiate the absence by medical certification.
- Medical certification will be required from the third day of absence.
- In any rolling period of 12 months, the maximum number of days allowable without medical certification may not exceed 7 days. Any period of sick leave in excess of this must be certified, even if it is for a single day. (The rolling period referred to here relates to any period back 365 days, not the first day of the year).
- Normally a medical certificate should not cover a person for more than 2 weeks.
- Payments from CIDP Sick Pay scheme are made on the clear understanding that if you have been absent as a result of an injury caused by the negligence of a third party and make a claim for compensation you should include in such claim an amount to recover any monies paid to you by CIDP by way of sick pay. Any monies so recovered must be refunded to CIDP.
- If there is evidence of abuse of the sick pay scheme CIDP reserves the right to withdraw this benefit from an individual.

2.4 Lay off / Short Time Working

While it is CIDP's intention to provide continuity of employment, both parties recognise that there may be circumstances beyond the control of CIDP, which necessitates short time working or lay off. In order to delay and if possible avoid such circumstances, employees must be prepared to accept reasonable alternative work if their own work is not available. Should the need arise to put staff on short-time or to lay them off, CIDP will give as much notice as is reasonable in the circumstances.

No payment will be made for any period of layoff. Payment will be made only for hours actually worked during any period of short time. Any changes required in respect of layoffs or short-term working will be discussed with staff and their representatives prior to any possible implementation.

3. Dignity at Work – Anti-Harassment and Sexual Harassment

Purpose

This policy is designed to assist CIDP in providing a work environment free from workplace harassment and/or sexual harassment. The complaints procedure is in place to ensure that any Employee who feels that they have been subject to inappropriate behaviour, as defined in this policy, may raise the matter and have it resolved in an appropriate manner. This procedure is supported by the disciplinary

procedure, which may be utilised where an Employee is found guilty of engaging in behaviour constituting harassment and/or sexual harassment.

This policy sets out to ensure compliance with the relevant sections of the Employment Equality Acts, 1998-2011, which provide that every individual has a right to a work environment free from harassment or sexual harassment. This policy also complies with the requirements set out in the Code of Practice on Sexual Harassment and Harassment at work.

Scope

This policy is in place to protect all Employees from acts of harassment and/or sexual harassment perpetrated by other Employees, members of Management, or any other person with whom the Employee comes into contact within the course of employment with whom CIDP has a business relationship e.g. a supplier or contractor. This policy applies where the unacceptable behaviour occurs in the workplace, or any other place attended in the course of employment e.g. an off-site training event.

Policy Statement

The Catholic Institute for Deaf People is committed to providing all of its students, employees, residents and others who avail of its support and services with an environment free from harassment and sexual harassment. CIDP will not tolerate harassment or sexual harassment of adults or children in any form.

This policy applies specifically to employees of the Catholic Institute for Deaf People both in the workplace and at work associated events such as meetings, conferences and work related social events, whether on the premises or off site.

The policy applies to harassment or sexual harassment not only by fellow employees but also by a client, customer or other business contact to which an employee might reasonably expect to come into contact with in the course of his/her employment.

All employees are protected by this policy and are urged to raise any concerns in relation to harassment or sexual harassment through the complaints procedures outlined in this policy. If you are a witness to harassing behaviour, you should make the recipient of the behaviour aware of this policy and urge them to raise the matter through the complaints procedures. You are also expected to bring the matter to the attention of Management.

What is Harassment?

Harassment is defined as any form of unwanted conduct relating to any of the discriminatory grounds of gender, civil status, family status, sexual orientation, religion, age, disability, race and/or membership of the Traveler community, which has the purpose or effect of violating a person's dignity and creating an intimidating, hostile, degrading, humiliating or offensive environment for the person.

A single incident may constitute harassment.

The unwanted conduct may consist of acts, requests, spoken words, gestures or the production, display, circulation of written words, pictures or other material.

The following list contains examples of harassing behaviour; however, this is provided for illustrative purposes only and is not an exhaustive list of behaviours. All situations will be considered on their own merits:

- Verbal harassment – jokes, comments, ridicule or songs
- Written harassment – including faxes, text messages, emails or notices
- Physical harassment – jostling, shoving or any form of assault
- Intimidatory harassment – gestures, posturing or threatening poses
- Visual displays such as posters, emblems or badges
- Excessive monitoring of work
- Isolation or exclusion from social activities
- Unreasonably changing a person’s job content or targets, pressure to behave in a manner that the Employee thinks is inappropriate, for example being required to dress in a manner unsuited to a person’s ethnic or religious background

What is Sexual Harassment?

Sexual Harassment is defined as any form of unwanted verbal, non-verbal or physical conduct of a sexual nature, which has the purpose or effect of violating a person’s dignity and creating an intimidating, hostile, degrading, humiliating or offensive environment for the person.

A single incident may constitute sexual harassment.

The unwanted conduct may consist of acts, requests, spoken words, gestures, or the production, display or circulation of written words, pictures or other material.

The following list contains examples of sexually harassing behaviours, however this is provided for illustrative purposes only and is not an exhaustive list of behaviours. All situations will be considered on their own merits:

- Physical conduct of a sexual nature — this may include unwanted physical contact such as unnecessary touching, patting or pinching or brushing against another Employee’s body, assault and coercive sexual intercourse.
- Verbal conduct of a sexual nature — this includes unwelcome sexual advances, propositions or pressure for sexual activity, continued suggestions for social activity outside the work place after it has been made clear that such suggestions are unwelcome, unwanted or offensive flirtations, suggestive remarks, innuendos or lewd comments.
- Non-verbal conduct of a sexual nature — this may include the display of pornographic or sexually suggestive pictures, objects, written materials, emails, text-messages or faxes. It may also include leering, whistling or making sexually suggestive gestures.
- Gender-based conduct — this includes conduct that denigrates or ridicules or is intimidatory or physically abusive of an Employee because of his or her sex such as derogatory or degrading abuse or insults which are gender related.

An essential characteristic of the type of behaviour, which constitutes sexual harassment, is that it is unwanted by the recipient. This distinguishes it from behaviour, which is welcome or reciprocated.

Sexual harassment is unacceptable whether from superiors, peers, juniors, non-Employees or by persons of the same sex.

It is important that all Employees understand that CIDP is obliged to investigate all complaints of sexual harassment whether or not it was the intention of the alleged harasser to engage in such behaviour.

Procedure

There are both informal and formal procedures to deal with the issues of harassment and/or sexual harassment at work. Although CIDP would prefer that issues be addressed through the informal procedure in the first instance, it is acknowledged that this is not always suitable; therefore, there is no requirement to exhaust the informal procedure before progressing an issue through the formal process.

Informal Procedure

It is often preferable for all concerned that complaints under this policy are dealt with and resolved informally between the parties whenever possible. This is likely to produce solutions, which are speedy, effective and minimise embarrassment and the risk of breaching confidentiality, while also protecting the working relationship.

The objective of the informal approach is to stop the harassment or sexual harassment with the minimum conflict and stress for the individuals concerned.

In many cases, the Employee whose behaviour is causing offence may be unaware that his or her actions are inappropriate, or it may be that his or her words or actions have been misinterpreted. In such cases, every attempt should be made to clear up any misunderstanding quickly, on an informal basis. The informal process provides options for resolving disputes including mediation, where appropriate.

The informal procedure consists of a low key and non-confrontational approach by the recipient of the behaviour to the party causing offence to advise him/her of the impact of their behaviour and to ask them to cease behaving in this manner.

If a person finds it difficult to approach the alleged perpetrator directly then a person should seek help and advice on a confidential basis from the designated contact person. The role of the designated contact person is not to judge but rather to provide advice and assistance about what the company's policy says.

In CIDP, the designated contact person is the Chief Executive Officer. In matters concerning the Chief Executive Officer, it is the Chairperson of the CIDP Board.

Having consulted with the contact person, the complainant may request the assistance of a manager/supervisor in raising the issue with the alleged perpetrator(s). In this situation, the approach of the manager / supervisor should be by way of a confidential, non-confrontational discussion with a view to resolving the issue in an informal low-key manner.

Formal Procedure

It is acknowledged that it may not always be practical to use the informal procedure to resolve an issue. An Employee may not feel comfortable to approach the other party, or the Employee may feel that the issue is too serious to be addressed through the informal procedure. In such circumstances, or where the informal process has failed to resolve an issue, the formal procedure set out in this policy should be followed.

In order to make a formal complaint an initial approach may be made to any Manager regarding the issue. Although the initial complaint may be provided verbally, it is a requirement that the complaint is lodged in writing to ensure that a fair process may be followed. Where assistance is required to put the complaint in writing, the Employee should consult their Manager to arrange this.

The complaint should state:

- The name of the alleged perpetrator;
- The nature of alleged harassment i.e. the behaviours/conduct constituting harassment/sexual harassment;
- Dates/times and locations of where and when the alleged harassment / sexual harassment occurred;
- Names of witnesses to any alleged incidents;
- Details of any action already taken to stop the harassment / sexual harassment.
- Consent to your identity and the facts of the allegation being disclosed to the alleged perpetrator. This is required in order to allow CIDP to investigate and to take action in appropriate circumstances.

If the behavior complained of does not concern harassment or sexual harassment as defined, an alternative approach may be put in place and a rationale recorded. If there are no concrete examples given, it will be deemed that there is no complaint to be answered by the alleged perpetrator, as they have no recourse to repudiating an accusation that does not give any specifics.

Where an alternative approach is not deemed appropriate, the alleged perpetrator(s) will be notified in writing that a complaint has been made against him/her, and provided with a copy of this complaint. The person investigating the complaint will indicate a timeframe for the resolution of the complaint; however, such timeframes may be extended where necessary. He/she shall be afforded a fair opportunity to respond to the allegation(s), normally five working days.

Prior to commencing an investigation, the complaint and the response may be subject to an initial examination by a designated impartial member of Management or other appropriate person, with a view to determining an appropriate course of action. An appropriate course of action at this stage could, for example, include exploring a mediated solution or a view that the issue can be resolved in accordance with the Informal Procedure. Should either of these approaches be deemed inappropriate or inconclusive, a formal investigation of the complaint will be undertaken with a view to determining the facts of the case. In all cases, there will be no inference of guilt against the alleged perpetrator, and they will be afforded a fair opportunity to respond to the allegation. The principles of natural justice will be adhered to throughout the investigation process.

All Employees involved in an investigation must respect the need for confidentiality; a failure to do so may represent a serious disciplinary offence. Confidentiality is assured as far as it is reasonably practicable. Both parties may be suspended with pay, without any negative inference, pending the outcome of an investigation, where deemed appropriate by Management. However, where this is not possible, the parties to the complaint will be expected to maintain a positive working relationship.

Investigation Procedure

The investigation will be conducted in accordance with the Anti-Harassment & Sexual Harassment Policy and will be governed by terms of reference which will detail the likely time scale for its completion (an indicative timeframe will be outlined). It will also include the scope of the investigation, indicating that the investigator(s) will consider whether the complaint falls within the definition of harassment or sexual harassment and whether the complaint has been upheld.

The investigation will be conducted by either an independent member of Management or external assistance may be necessary to deal with complaints in some circumstances to ensure impartiality,

objectivity and fairness. The investigation will be conducted thoroughly, objectively and with sensitivity. Utmost confidentiality will be protected as far as it is reasonably practicable. Due respect will be had for the rights of the complainant, the alleged perpetrator(s) and any witnesses involved in the process.

The investigator(s) will meet with the complainant in the first instance to learn more regarding the complaint and to put the alleged perpetrator's responses to the complainant. Next, the alleged perpetrator will be invited to a meeting to explore their responses to the complaint and to put any relevant evidence to them. Evidence will be provided in advance of the meetings in order to allow the Employee to prepare their response to that evidence.

As many interviews as are necessary will be conducted until the investigator(s) is/are satisfied that all evidence has been collected and all parties have had a fair opportunity to state their case. Witnesses may also be interviewed with a view to establishing the facts surrounding the allegation(s).

Statements from the complainant, the alleged perpetrator and any witnesses will be recorded in writing.

CIDP recognises that any employee involved in an alleged harassment process may be accompanied to formal meetings with management by a work colleague of their choice or a trade union representative.

Every effort will be made to carry out and complete the investigation as quickly as possible and preferably within an agreed timeframe. On completion of the investigation, the investigator(s) will submit a written report to a member of Management, containing the findings of the investigation. Both parties will be given the opportunity to comment on the findings before any action is decided upon by Management.

The complainant and the alleged perpetrator(s) will be informed in writing of the findings of the investigation, i.e. whether the complaint is upheld, not upheld, or whether the complaint is deemed to be malicious or vexatious.

Investigation Outcomes

Where a complaint is upheld, both parties will be informed of this outcome, and the relevant level of Management will also be advised. Management will take appropriate action based on the outcome of the investigation. This may include formal disciplinary action in line with our disciplinary procedure, or training, or another appropriate intervention deemed necessary to prevent a recurrence of the behaviour.

CIDP will also consider providing further supervision, reassignment or re-organisation of work. Prior to any disciplinary action being taken, a fair disciplinary hearing will be held in line with our disciplinary procedure. It is important that Employees are aware that certain acts of harassment or sexual harassment may be deemed gross misconduct by CIDP and may result in summary dismissal.

Where an investigation is inconclusive and the complaint is not upheld, there will be no negative inference against any party to the complaint. All parties to the complaint will be expected to continue working as normal, and to conduct themselves in an appropriate manner at work.

Where it is found that the complaint was malicious or vexatious, then a disciplinary hearing will be held with the complainant to explore this further. In this situation only may a disciplinary sanction be imposed on the complainant. Lodging a malicious or vexatious complaint is a serious disciplinary offence, and, depending on the seriousness of the issue, may be deemed gross misconduct by CIDP and may result in summary dismissal.

In all cases, whether the complaint is upheld or otherwise, the workplace will be monitored to ensure that the parties to the complaint conduct themselves in an appropriate manner and do not engage in any improper conduct. Appropriate support will be made available to both parties. CIDP will take such action as is required to eliminate the risk of that behaviour recurring or continuing and will keep records of interventions used for this purpose.

Appeal

Either party may appeal the decision, outlining in writing to Management the reason for the appeal. Such appeals will be heard by a Manager not previously involved in the investigation and independent advice and support will be sought if required.

Victimisation

No person engaging in the procedures outlined here will be subject to unfavourable treatment for their role in the process, whether they are making a complaint in good faith, supporting a complainant, giving evidence in the proceedings or giving notice of intention to do any of the foregoing, except where they are found guilty of an offence under the policy.

Third Party Harassment/Sexual Harassment

The procedures outlined in this policy should be employed to deal with harassment or sexual harassment by a third party. Sanctions that may be imposed on a third party may include exclusion from the premises, termination of a contract, or other measures to prevent the recurrence of the inappropriate behaviour.

Responsibilities

Management will endeavour to ensure that this policy is communicated to all Employees and will ensure that the policy is maintained and updated in line with legislative changes and any amendments to the relevant Code of Practice. Where required, measures will be taken to ensure the accessibility of policies and procedures for all Employees.

Management has a particular responsibility to prevent workplace harassment and is expected to lead by example, promote awareness of this policy, be vigilant for signs of harassment, tackle problems before they escalate, deal sensitively with Employees involved in a harassment complaint and monitor the situation in the workplace so that harassment or sexual harassment does not occur or reoccur.

Employees are expected to conduct themselves so as to respect the rights of others to dignity in the workplace, to comply with this policy and to raise issues of concern through the procedures outlined in the policy.

Dignity at Work – Anti-Bullying

The Catholic Institute for Deaf People is committed to providing all of its students, employees, residents and others who avail of its support and services with an environment free from bullying. CIDP will not tolerate bullying of adults or children in any form.

This policy applies specifically to employees of the Catholic Institute for Deaf People both in the workplace and at work associated events such as meetings, conferences and work related social events, whether on the premises or off site.

The policy applies to bullying not only by fellow employees but also by a client, customer or other business contact to which an employee might reasonably expect to come into contact with in the course of his/her employment.

Purpose

This policy is designed to assist CIDP in providing a work environment free from workplace bullying. The complaints procedure is in place to ensure that any employee who feels that they have been subject to inappropriate behaviour, as defined in this policy, may raise the matter and have it resolved in an appropriate manner. This procedure is supported by the disciplinary procedure, which may be utilised where an employee is found guilty of engaging in behaviour constituting bullying.

This policy sets out to ensure that CIDP fulfils its legal responsibilities under the Safety, Health and Welfare at Work Act, 2005, with regard to workplace bullying. This policy also complies with the requirements set out in the Codes of Practice relating to workplace bullying.

Scope

This policy is in place to protect all employees from acts of bullying perpetrated by other employees, members of Management, or any other person with whom the employee comes into contact in the course of employment e.g. a supplier or contractor. This policy applies where the unacceptable behaviour occurs in the workplace, or any other place attended in the course of employment e.g. an off-site training event.

Policy

CIDP is committed to providing a work environment free from bullying and ensuring that all employees are treated with dignity and respect. All employees are protected by this policy and are urged to raise any concerns in relation to workplace bullying through the complaints procedures outlined in this policy. If you are a witness to bullying behaviour, you should make the recipient of the behaviour aware of this policy and urge them to raise the matter through the complaints procedures. You are also expected to bring the matter to the attention of Management.

All employees have a responsibility in creating and contributing to the maintenance of a work environment free from bullying or conduct likely to contribute to bullying. Employees will not be victimised for involvement in complaints.

What is Workplace Bullying?

Workplace Bullying is defined as repeated inappropriate behaviour, direct or indirect, whether verbal, physical or otherwise, conducted by one or more persons against another or others, at the place of work and / or in the course of employment, which could reasonably be regarded as undermining the individual's right to dignity at work.

An isolated incident of the behaviour described in this definition may be an affront to dignity at work but, as a once off incident, is not considered to be bullying.

The following list contains examples of bullying behaviours; however, this is provided for illustrative purposes only and is not an exhaustive list. All situations will be considered on their own merits:

- Exclusion with negative consequences;
- Verbal abuse/insults
- Menacing behaviour
- Taking credit for other peoples' ideas;
- Public humiliation;

- Constantly undervaluing effort;
- Persistent or unfounded criticism;
- Shouting or other intimidatory behaviour;
- Sneering, ridicule, innuendo;
- Withholding work related information

What is Not Bullying?

It is important to note that reasonable and essential discipline arising from the good management of an Employee's performance, conduct or attendance is not considered to be bullying. Actions taken which may be justified on health and safety grounds will also not be considered to be bullying.

Procedure

There are both informal and formal procedures to deal with the issue of bullying at work. Although CIDP would prefer that issues be addressed through the informal procedure in the first instance, it is acknowledged that this is not always suitable; therefore, there is no requirement to exhaust the informal procedure before progressing an issue through the formal process.

Informal Procedure

It is often preferable for all concerned that complaints under this policy are dealt with and resolved informally between the parties whenever possible. This is likely to produce solutions, which are speedy, effective and minimise embarrassment and the risk of breaching confidentiality, while also protecting the working relationship. The objective of the informal approach is to stop the bullying with the minimum conflict and stress for the individuals concerned.

In many cases, the employee whose behaviour is causing offence may be unaware that his or her actions are inappropriate, or it may be that his or her words or actions have been misinterpreted. In such cases, every attempt should be made to clear up any misunderstanding quickly, on an informal basis.

The informal process provides options for resolving disputes including mediation, where appropriate.

The informal procedure consists of a low key and non-confrontational approach by the recipient of the behaviour to the party causing offence to advise him/her of the impact of their behaviour and to ask them to cease behaving in this manner. The approach should be made in private, and should be non-confrontational. Advice in relation to this procedure should be sought from any Manager in CIDP.

If a person finds it difficult to approach the alleged perpetrator directly then a person should seek help and advice on a confidential basis from the designated contact person. The role of the designated contact person is not to judge but rather to provide advice and assistance about what the company's policy says.

In CIDP, the designated contact person is the HR Coordinator. In matters concerning the Chief Executive Officer, it is the Chairperson of the CIDP Board.

Having consulted with the contact person, the complainant may request the assistance of a manager/supervisor in raising the issue with the alleged perpetrator(s). In this situation, the approach of the manager / supervisor should be by way of a confidential, non-confrontational discussion with a view to resolving the issue in an informal low-key manner.

Formal Procedure

It is acknowledged that it may not always be practical to use the informal procedure to resolve an issue. An employee may not feel comfortable approaching the other party, or the employee may feel that the issue is too serious to be addressed through the informal procedure. In such circumstances, or where the informal process has failed to resolve an issue, the formal procedure set out in this policy should be followed.

In order to make a formal complaint an initial approach may be made to any Manager regarding the issue. Although the initial complaint may be provided verbally, it is a requirement that the complaint is lodged in writing to ensure that a fair process may be followed. Where assistance is required to put the complaint in writing, the employee should consult their Manager to arrange this. The complaint should state:

- The name of the person(s) complained of (alleged bully);
- The nature of alleged bullying i.e. the behaviours/conduct constituting bullying;
- Dates/times and locations of where and when the alleged bullying occurred;
- Names of witnesses to any alleged incidents;
- Details of any action already taken to stop the bullying.
- Consent to your identity and the facts of the allegation being disclosed to the alleged bully. This is required in order to allow CIDP to take action in appropriate circumstances.

If the behaviour complained of does not concern bullying as defined, an alternative approach may be put in place and a rationale recorded. If there are no concrete examples given, it will be deemed that there is no complaint to be answered by the person(s) complained of, as they have no recourse to repudiating an accusation that does not give any specifics.

Where an alternative approach is not deemed appropriate, the person (s) complained of will be notified in writing that a complaint has been made against him/her, and provided a copy of this complaint. The person investigating the complaint will indicate a timeframe for the resolution of the complaint; however, such timeframes may be extended where necessary. He/she shall be afforded a fair opportunity to respond to the allegation(s), normally five working days.

Prior to commencing an investigation, the complaint and the response may be subject to an initial examination by a designated impartial member of Management or other appropriate person, with a view to determining an appropriate course of action. An appropriate course of action at this stage could, for example, include exploring a mediated solution or a view that the issue can be resolved in accordance with the Informal Procedure. Should either of these approaches be deemed inappropriate or inconclusive, a formal investigation of the complaint will be undertaken with a view to determining the facts of the case. In all cases, there will be no inference of guilt against the person(s) complained of, and they will be afforded a fair opportunity to respond to the allegation(s). The principles of natural justice will be adhered to throughout the investigation process.

All employees involved in an investigation must respect the need for confidentiality – failure to do so may represent a serious disciplinary offence. Confidentiality is assured in so far as it is reasonably practicable. Both parties may be suspended with pay, without any negative inference, pending the outcome of an investigation, where deemed appropriate by Management. However, where this is not possible, the parties to the complaint will be expected to maintain a positive working relationship.

Investigation Procedure

The investigation will be conducted in accordance with CIDP Anti-Bullying Policy and will be governed by terms of reference which will detail the likely time scale for its completion (an indicative timeframe will be outlined) and the scope of the investigation, indicating that the investigator(s) will consider whether the complaint falls within the definition of bullying at work and whether the complaint has been upheld.

The investigation will be conducted by an independent member of Management or external assistance may be necessary to deal with complaints in some circumstances so as to ensure impartiality, objectivity and fairness. The investigation will be conducted thoroughly, objectively and with sensitivity. Utmost confidentiality will be protected in so far as it is reasonably practicable. Due respect will be had for the rights of the complainant, the person(s) complained of and any witnesses involved in the process.

The investigator(s) will meet with the complainant in the first instance to learn more regarding the complaint and to put the responses of the person(s) complained of to the complainant. Next, the person(s) complained of will be invited to a meeting to explore their responses to the complaint and to put any relevant evidence to them. Evidence will be provided in advance of the meetings in order to allow the Employee to prepare their responses to that evidence.

As many interviews as are necessary will be conducted until the investigator(s) is/are satisfied that all evidence has been collected and all parties have had a fair opportunity to state their case. Witnesses may also be interviewed with a view to establishing the facts surrounding the allegation(s).

Statements from the complainant, the person(s) complained of and any witnesses will be recorded in writing.

CIDP recognises that any employee involved in an alleged harassment process may be accompanied to formal meetings with management by a work colleague of their choice or a trade union representative.

All parties required to attend investigation meetings are entitled to be accompanied by a representative, whose role is to provide moral support, oversee the process and ensure that the interviewee is afforded a fair opportunity to respond and provide evidence at any investigation meetings.

Every effort will be made to carry out and complete the investigation as quickly as possible and preferably within an agreed timeframe. On completion of the investigation, the investigator(s) will submit a written report to a member of Management, containing the findings of the investigation. Both parties will be given the opportunity to comment on the findings before any action is decided upon by Management.

The complainant and the person(s) complained of will be informed in writing of the findings of the investigation, i.e. whether the complaint is upheld, not upheld, or whether the complaint is deemed to be malicious or vexatious.

Investigation Outcomes

Where a complaint is upheld, both parties will be informed of this outcome, and the relevant level of Management will also be advised. Management will take appropriate action based on the outcome of the investigation. This may include formal disciplinary action in line with CIDP disciplinary procedure, or training, or another appropriate intervention deemed necessary to prevent a recurrence of the behaviour.

CIDP will also consider providing further supervision, re-assignment or re-organisation of work. Prior to any disciplinary action being taken, a fair disciplinary hearing will be held in line with CIDP disciplinary procedure. It is important that Employees are aware that certain acts of bullying may be deemed gross misconduct by CIDP and may result in summary dismissal.

Where an investigation is inconclusive, and therefore not upheld, there will be no negative inference against any party to the complaint. All parties to the complaint will be expected to continue working as normal, and to conduct themselves in an appropriate manner at work.

Where it is found that the complaint was malicious or vexatious, then a disciplinary hearing will be held with the complainant to explore this further. In this situation only may a disciplinary sanction be imposed on the complainant. Lodging a malicious or vexatious complaint is a serious disciplinary offence, and, depending on the seriousness of the issue, may be deemed gross misconduct by CIDP and may result in summary dismissal.

In all cases, whether the complaint is upheld or otherwise, the workplace will be monitored to ensure that the parties to the complaint conduct themselves in an appropriate manner and do not engage in any improper conduct. Appropriate support will be made available to both parties. CIDP will take such action as is required to eliminate the risk of that behaviour recurring or continuing and will keep records of interventions used for this purpose.

Appeal

Either party may appeal the decision, outlining in writing to Management the reason for the appeal. Such appeals will be heard by a Manager not previously involved in the investigation and independent advice and support will be sought if required.

Victimisation

No person engaging in the procedures outlined here will be subject to unfavourable treatment for their role in the process, whether they are making a complaint in good faith, supporting a complainant, giving evidence in the proceedings or giving notice of intention to do any of the foregoing, whether they are making a complaint in good faith, supporting a complainant, giving evidence in proceedings or giving notice of intention to do any of the foregoing, except where they are found guilty of an offence under this policy.

Third Party Bullying

The procedures outlined in this policy should be employed to deal with bullying by a third party. Sanctions that may be imposed on a third party may include exclusion from the premises, termination of a contract, or other measures to prevent the recurrence of the inappropriate behaviour.

Responsibilities

Management will endeavour to ensure that this policy is communicated to all Employees and will ensure that the policy is maintained and updated in line with legislative changes and any amendments to the relevant Codes of Practice. Management will act appropriately and in line with this policy in order to eliminate workplace bullying.

Management has a particular responsibility to prevent workplace bullying and is expected to lead by example, promote awareness of this policy, be vigilant for signs of bullying, tackle problems before they escalate, deal sensitively with Employees involved in a bullying complaint and monitor the situation in the workplace so that bullying does not occur or reoccur.

Employees are expected to comply with this policy and to raise issues of concern through the procedures outlined in the policy.

3 Computer and Internet

4.1 Policy Statement

This policy applies to all employees of CIDP, and any other person using business I.T. resources.

CIDP must safeguard its business and reputation from security breaches, exposure to litigation, defamation, loss of productivity through time wasting, web surfing, protect their IT systems from viruses, hacking, protect employees from bullying/harassment and obscenity/pornography. Various internet and e-mail activities listed in this policy document are expressly forbidden.

Usage of I.T. facilities may be monitored in accordance with law, and as these are systems belonging to CIDP, employees should not expect privacy on these systems. At all times CIDP retains the right to access an employee's e-mail, internet or phone records and other records relating to information technology usage to ensure compliance with the our standards and policies, to ensure that employees' obligations to CIDP are being complied with and to ensure that the employee is not engaging in prohibited activities as identified in this policy or activities otherwise deemed inappropriate.

Breaches of this policy may result in disciplinary action up to and including dismissal.

4.2 Use of Internet

It is the policy of CIDP that all I.T. facilities, including telephones, e-mail internet, PCs, laptops & other mobile devices are used solely for business purposes. Employees are not permitted to access such systems for personal use on Institute computers without the permission of their Supervisor/Manager. However, excessive use for personal purposes during working time or otherwise will be treated as a serious disciplinary offence.

Activities which the Internet may not be used for during working hours or non-working hours include the following. Please note the list provided is for illustrative purposes only and is not an exhaustive list. All situations will be considered on their own merits:

- Non-compliance with the legislative and contractual requirements concerning the copying of software – including licenses or illegally copying material protected under copyright law or making that material available to others to copy
- Disseminating or storing commercial or personal advertisements, promotions, solicitations, or any other unauthorized materials
- Using the internet system to break or otherwise 'hack' into internal computers of other companies or any other party
- Secondary employment
- Personal gain or profit, this includes the pursuit of private commercial business activities or profit making ventures, including online gambling
- Engaging in any illegal, unethical, immoral or fraudulent conduct
- Jeopardizing CIDP's computer system/network by failing to ensure that downloaded files and email attachments are taken from untrusted sources and/or not properly scanned for viruses
- Use of personal CD's, Diskettes portable disk drives and memory sticks that create a risk of the introduction of viruses onto CIDP's systems
- Accessing, downloading or transmitting offensive or unlawful remarks, jokes or slurs, obscenities or profane or other offensive and inappropriate materials
- Use of Internet sites which result in a charge to CIDP
- Engaging in prohibited discriminatory conduct
- Obtaining or viewing of sexually explicit material

- Sending confidential Institute information or data, without permission
- Any other activity which would discredit CIDP

Outside of working time authorisation may be sought to access the internet for personal use, e.g. to make purchases, or to conduct research for personal purposes. However, such use should be limited, and the user must accept liability for any losses incurred while using the systems for personal use. No software should be downloaded from the internet, due to the risk of infection by viruses or infringement of licence agreements.

4.2.1 Use of Email System

The e-mail system is only to be used by authorised persons. Employees shall not disclose their passwords or codes to others and may not use someone else's password or code. Excessive use of email for personal purposes is prohibited. The following e-mail activities are strictly prohibited. Please note the list provided is for illustrative purposes only and is not an exhaustive list. All situations will be considered on their own merits:

- Using someone else's ID to send mail or representing themselves as somebody else
- Retrieving or reading any email messages other than such addressed to them
- Using email to circulate joke mail or chain letters, internally or externally
- Using email to harass, sexually harass or intimidate another person, by broadcasting unsolicited messages, or by sending unwanted mail
- Using vulgar, abusive, or hateful language in emails
- Saving, downloading, transmitting or purposely viewing sexual, pornographic, racist, profane or other offensive material
- Posting or downloading messages that will reflect poorly on CIDP's name and reputation
- Time wasting and frivolous emails to other employees or external persons
- Sending chain letters, or other forms of mass mailing and spamming (sending a message repeatedly in order to sabotage someone else's system)

Any use of the internet to send, view, display, request, print or download pornographic or other potentially harassing or sexually harassing material, obscene material, or material which is fraudulent, offensive or otherwise unlawful will be deemed to be a disciplinary offence and may constitute gross misconduct.

It should be remembered that all personal data contained in e-mails may be accessible under Data Protection legislation and, furthermore, a substantial portion of e-mails to government and other public bodies may be accessible under Freedom of Information legislation. E-mails should be regarded as potentially public information that carry a heightened risk of legal liability for the sender, the recipient and the organisations for whom they work.

CIDP reserves and intends to exercise the right to review, audit, intercept, access and disclose all messages created, received or sent over the electronic mail system for any purpose. Notwithstanding CIDP's right to retrieve and read any electronic mail messages, such messages should be treated as confidential by other employees and accessed only by the intended recipient.

4.2.2 Managers Responsibility

Some degree of appropriate personal use of the internet/email is permitted provided such use does not interfere with the employee's or colleagues' job performance, does not clog up or have a negative impact on CIDP's IT systems and does not breach any company policies, standards or procedures. It is the responsibility of each site manager to ensure that:

- Employees are aware of the ICT policy

- The policy has been communicated successfully and that this is recorded in the employee's personnel file
- Adequate training has been provided to employees who are authorized to use the IT systems

4.2.3 Internet and Email

Managers should specify when internet access is allowed, e.g. may employees access the internet/email at all times during the working day or during specified periods only (e.g. during breaks or outside working hours)?

4.2.4 Email Etiquette

Employees must ensure that the email system is used properly as a means to communicate with other people without causing offence to any person. Here are some basic guidelines that should be followed:

- Messages should be clear, concise and to the point
- Include a subject line in your message
- Take the same care and attention when writing an email as they would any other form of communication. An unchecked email written in haste or carelessly, could give rise to legal liability on CIDP's part, for example in claims of defamation
- Do not assume that the email is private
- Respect copyright, Institute confidentiality, data protection rules, and avoid defamation. Letter, files and other documents attached to emails may belong to others and there may be copyright implications in sending or receiving them without permission
- Care should be taken when sending confidential or sensitive information. Emails may go to persons other than the intended recipient. If the message is confidential or sensitive, this could be damaging for CIDP. Employees should ask themselves if it is safe to send the information by email
- Employees should not send or store large email attachments, because of their potential impact on the performance of CIDP's server
- Employees should inform their manager if they receive any offensive or harassing emails
- Messages should not be typed in all uppercase, as it is extremely difficult to read. Capitalise words only to highlight an important point
- Be professional and tactful of what you say about others
- Remember email is easily forwarded
- Be careful with using sarcasm and humour. Without face to face communications, your joke may be viewed as criticism
- Definitions of 'offensive' vary widely so always avoid quotes that might offend people on the grounds of gender, civil status, family status, age, disability, religion, race, politics, membership of the Traveller community or sexuality
- Read your message before sending, check spelling, grammar and context. Once you send it, you are committed
- If replying to a message containing a distribution list, consider if the response is more appropriate for the entire group or just the original sender
- Remember there is no such thing as a private email. Be careful of what you write and send. A number of things could go wrong when sending a message, such as sending it to the wrong email address
- Do not send 'chain' letters
- Avoid messages sent in anger. Messages sent in the heat of the moment generally over exacerbate the situation and are usually regretted later

Attachments should not be accessed unless they are received from a trusted source with which CIDP has a relationship. Employees should be aware of the risks associated with downloading of information from sources which cannot be trusted. Further information should be sought from Management if required.

4.2.5 Signature Files

All business mail should carry a 'signature' which will say where and who the email is from, provide a contact phone number, as well as a disclaimer clause covering the information in the message.

4.2.6 Threats Caused by Improper Use of the Internet

- Loss of information
- Reduced operational breaches
- Exposure to legal liability
- Lost productivity
- Damage to reputation through misuse of email
- Infection from email borne viruses
- Loss of network service from spam and spoof attacks
- Network congestion from system misuse

4.3 Approval for Installation of Additional Hardware and Software

Approval for the installation of additional hardware and software must be sought from your manager to ensure compatibility with current systems, anti-virus and other software checked and also to ensure inclusion in the computer register. Your manager must have permission from the CIDP CEO or appointed person to proceed with any such purchase.

4.4 I.T. Usage Policy

All I.T. facilities should be used solely for business purposes. Employees who have access to any password-restricted systems are required not to disclose that password to any other person, except with the prior approval of their Manager. Employees should make arrangements to permit their Manager access to password-restricted systems prior to or during any period of absence, where necessary. Passwords should be carefully selected so that they cannot be easily guessed. In order to ensure the security of physical data and equipment, Employees are required to ensure that laptops and other mobile devices are appropriately stored and locked away whilst in their possession.

4.4 General

Employees must not remove computer equipment, hardware and software, from CIDP's premises without specific approval of their Manager. They must ensure that, at all times, management can have access to information or data held on their PC or laptop. Employees who work on various sites and are authorised to carry an Institute laptop from site to site must ensure that these are available for monitoring/inspection at all times and that all information held on a laptop is backed up on a weekly basis. No confidential material should be held on a CIDP laptop. Such equipment must be left in the safe custody of an appropriate person on CIDP's premises during periods of holidays, sickness or leave, e.g. Maternity Leave, Carer's Leave, etc

PCs, laptops and other mobile devices, where provided, should not be used for personal purposes. Printing for personal purposes should be limited, and excessive use will be dealt with as a disciplinary offence.

Laptops and other mobile devices, if provided, should be stored in the boot of the employee's car when travelling, and taken indoors rather than left unattended in vehicles. If a laptop/mobile device is left in the open in a vehicle it may attract thieves or vandals, resulting in possible damage to the vehicle, and theft of the laptop as well as personal items contained within the vehicle.

Screensavers should not be downloaded from the internet, and only screensavers approved by Management may be used.

Employees should not transfer digital photographs or music, DVD or movie files onto their PC, laptop/mobile device without prior permission from their Manager. Employees must observe copyright regulations in relation to any content they upload/download to business systems.

CIDP I.T. systems should not be used for the purposes of engaging in secondary employment.

CIDP telephone systems should not be used for personal use, without the consent of your Manager. Where an Employee receives a personal call, they should keep the call brief.

4.5 Social Media

Social networking and social media are communication tools, which can have significant impact on Organisational and professional reputations. Examples of social media may include blogs, twitter, Facebook, LinkedIn, YouTube, wikis etc. Employees are personally responsible for the content they publish online.

Personal usage of Social Media

Your work e-mail address should not be used as your primary means of identification on your personal social media platform. CIDP may impose the disciplinary process up to and including dismissal for posting inappropriate material on social networking sites in circumstances where the posts breach confidentiality, dignity at work, Anti-Bullying, Harassment or Sexual Harassment, internal policy or brings CIDP into disrepute.

Respect your audience. Employees should refrain from engaging in the use of inappropriate slurs and personal insults referring to work colleagues, others and/or CIDP, as this may lead to disciplinary action.

CIDP IT equipment, where provided, should not be used for personal purposes. The use of social media for personal purposes is prohibited on CIDP systems.

Using Social media for work purposes

Any contact details or business information acquired and maintained on CIDP systems remain the property of CIDP. This includes any uploaded information (including personal contacts) brought by an Employee from a previous employment.

Where it is a requirement as part of your role to engage in social media, the following guidelines must be adhered to:

1. Respect copyright, fair use and data protection.
2. Do not provide CIDP or another's confidential or other proprietary information and never discuss CIDP performance or other sensitive matters publicly.
3. Do not cite or reference clients, partners or suppliers without their approval. When you do make a reference, link back to the source. Do not publish anything that might allow inferences to be drawn which could embarrass or damage a client.
4. Refrain from the inappropriate use of ethnic slurs, personal insults, obscenity, or engage in any conduct that would not be acceptable in the workplace. Employees should also show proper consideration for others' privacy and for topics that may be considered objectionable or inflammatory.

5. Refrain from using CIDP logos or trademarks unless approved to do so.
6. Do not post material that could be deemed to be threatening, harassing, illegal, obscene, defamatory, slanderous or hostile towards an individual or entity.
7. Ensure that the content you are posting is accurate and reviewed for grammatical and spelling errors.

Queries

All queries in relation to this policy should be addressed to the Employee's Manager.

5 Continual Professional Development

The policy of CIDP is to encourage lifelong learning to enable staff to self-develop beyond the specified training for their post. Those who undertake continual professional development training by private arrangement in their own time may be eligible for financial support from CIDP if the course is approved prior to enrolment. This support may be in the form of a grant of 50% of the fees plus a loan of 50% which is extinguished on successful completion of the course. Employees who qualify for the above-mentioned support may be allowed time off with pay to attend examinations.

Any employee who wishes to take advantage of CIDP support for professional development should discuss their plans with their manager before 'signing up' for a course. This discussion must take place far enough in advance of the course to allow CIDP adequate time to consider all implications and costs.

Every effort will be made to try and support individuals who are interested in further professional development, providing there is a relevance to their career with CIDP. CIDP shall be the sole arbiter as to the relevance and while it will wish to support staff willing to undertake such continual professional development, its ability to subvent such training will be dependent on the availability of funds.

In the event of the employee leaving CIDP within three years of successfully completing the course, 50% of the support given will be refundable to CIDP.

6 Disciplinary Procedure

6.1 Introduction

General Principle

The Catholic Institute for Deaf People has the right to expect every employee, whilst on Institute business and/or Institute property to conduct themselves in a proper manner and to abide by, the terms and conditions of their Contract of Employment. Additionally the Catholic Institute for Deaf People expects the employee, whilst outside work to conduct themselves in a manner, which would not bring CIDP into disrepute. In the normal course of their duties, managers/supervisors are expected to acknowledge good performance, and to make employees aware of unsatisfactory conduct/performance, including time keeping and attendance.

The policy is to be applied in order to assist and encourage employees to achieve and maintain acceptable standards of conduct, attendance and performance where shortcomings are identified. The policy and procedure aim, where appropriate, to be corrective rather than punitive.

Policy

The primary objective of this procedure is to ensure that employees are made aware of any shortcomings in their performance/conduct/attendance and provided with an opportunity to resolve this situation. To this end, issues will generally be addressed through the informal procedure whereby the Manager will raise the issue with the employee and agree a corrective action plan in order to resolve the situation without recourse to the formal procedure. However, where this fails to resolve a situation,

or the informal process is deemed inappropriate in the given circumstances, then the formal process may be initiated.

During the formal stages of the procedure, employees have the right to be accompanied by a representative (a fellow colleague or union representative) at a meeting. The role of this representative is to provide support, to ensure that the procedures followed are fair, and, if appropriate, to help the employee present their case. However, it should be noted that the contractual relationship exists between the employee and the employer. Therefore, questioning will be directed to the employee, and where possible the Employee must speak on their own behalf. The stage at which any employee enters the disciplinary procedure depends upon the severity of the issue being dealt with.

Minor Offences

Often minor instances of misconduct and cases of poor performance are best dealt with by informal advice, coaching, counselling and training rather than through the “Disciplinary Procedure”.

Sometimes managers/supervisors may issue informal counselling – but they need to ensure that problems are discussed with the objective of helping and encouraging staff to improve. It is important that employees understand what needs to be done, how performance, attendance and / or conduct will be reviewed and over what period. They should also be made aware of what action may be taken if they fail to improve either their performance, attendance and / or conduct. Informal counselling is not part of the formal Disciplinary procedure and the employee should be informed of this. However, the Supervisor/Manager should record details of such informal counselling meetings in the personnel file.

The following behaviours may be considered misconduct and may result in disciplinary action being initiated under the disciplinary procedure. Note that these examples are provided for illustrative purposes only, and this list is not exhaustive. All cases are considered on their own merits:

- Minor breach of a workplace policy or procedure;
- Poor timekeeping;
- Abuse of sick leave policy;
- Insubordination;
- A refusal to carry out a reasonable request;
- Minor breaches of health and safety regulations;
- Bringing CIDP into disrepute;
- Misuse of Institute property.
- Refusing to follow reasonable instructions or perform appropriate work assigned by a manager /supervisor
- Unauthorised absence from the workplace
- Smoking in unauthorised places
- Minor violation of health and safety rules, established policies and procedures
- Minor violation of security rules

6.6 Gross Misconduct

The following behaviours may be considered gross misconduct and may result in summary dismissal, depending on the circumstances of the case.

- Falsifying, destroying or wasting property of CIDP, records or work in progress, or repeated disregard for quality standards
- Theft, unauthorised use of, or willful damage/defacement to Institute or other employee’s property or other fraudulent behaviour

- possession of, sale or distribution of a controlled substance in the workplace
- Being under the influence of alcohol ,narcotic drugs or other intoxicant at work or the course of employment, or unauthorised consumption of them at work on the course of employment
- Possession of dangerous weapons
- Serious bullying, harassment, sexual harassment, victimisation or other act of discrimination;
- Fighting, horseplay, violent or threatening behaviour;
- Smoking in unauthorised places
- Minor violation of health and safety rules, established policies and procedures
- Serious breaches of health and safety rules or endangerment of another person in the workplace;
- Violation of security rules
- Serious violation of security rules
- Unauthorised access to or use of confidential information including computer systems
- Serious misuse of email and internet
- Serious breach of confidentiality
- Conviction of an offence which is inconsistent with your position
- Falsification of timesheets, expense claims or other Institute records
- Deception or provision of false or misleading information on employment applications or medical forms, or at interview
- Downloading, display or distribution of pornography or other inappropriate material
- Serious abuse of sick leave
- Refusal to participate in a workplace investigation or other action
- Serious failure to adhere to an agreed workplace procedure or other agreed terms of employment

Note that these examples are provided for illustrative purposes only. This list is not intended to be exhaustive. All cases are considered on their own merits.

Informal Procedure

In general, where there is an allegation of poor performance, attendance or conduct, the direct Supervisor / Manager of the employee concerned will address the issue informally with him/her. This may be done by way of an informal counselling meeting, or through the normal performance management process. The objective of the informal discussion is to correct the issue of concern in a frank and constructive manner.

The informal discussion will:

- focus on helping the employee to understand how their performance/conduct/attendance has fallen short of the acceptable level; and
- suggest possible solutions and timeframes for improvement.

After the discussion, brief notes will be taken and held by the Supervisor / Manager who led the informal discussion. Provided the employee achieves and sustains the necessary level of improvement, no further action will be taken. If the necessary improvements have not been made within the agreed timeframe, the formal disciplinary procedure will commence.

Where normal management through the informal process as outlined above fails to produce the desired result, the formal Disciplinary Procedure shall be used. This document outlines the formal Disciplinary Procedure for lay employees of the Catholic Institute for Deaf People of Dublin.

6.2 Formal Disciplinary Procedure

In all cases where an employee's standards of performance, attendance and/or conduct fall below those expected by CIDP, the formal disciplinary procedure may be initiated. In all cases in which the Formal Procedure is initiated, a hearing will be held with the employee to put the allegation to him/her and to hear his/her responses to the issue. It may be necessary to formally investigate the facts surrounding a case and this may occur prior to the hearing, but in the majority of cases a hearing will suffice to ensure that the employee is afforded a fair opportunity to respond. Where there is a dispute of the facts of a case, and an investigation is necessary, the investigation procedure will be explained to the employee by Management.

Disciplinary Sanctions

Where the informal process fails to resolve an issue, or where it is deemed inappropriate given the particular circumstances of a situation, then the following sanctions may be imposed by Management. Disciplinary action, if required, will normally follow an incremental warning process as set out in this policy. However, in appropriate circumstances, CIDP reserves the right to initiate the process at any particular stage, or to move to any particular stage in the process, where the matters of concern are deemed sufficiently serious. The decision on what level of sanction to be imposed will only be taken following a formal disciplinary hearing having considered the circumstances of the particular situation.

6.2.1 Objective of the Formal Procedure

The objective of the "Disciplinary Procedure" is to help and encourage improvement in conduct and performance - it is not intended to be a means of imposing sanctions or to be punitive.

6.2.2 Procedure

Natural Justice

All disciplinary meetings, investigations and actions should comply with what are known as the principles of natural justice. When it becomes evident that the attendance, conduct or performance of an employee is to be handled within the Disciplinary procedure:

- Advance notification of the requirement to attend a disciplinary hearing must be provided together with the fact that the outcome of the meeting may be disciplinary action.
- The manager handling the disciplinary action must check that the employee is aware of the Disciplinary and Performance Improvement procedure. If they do not have a copy of the procedure they should be given one in advance of any disciplinary meeting
- The employee must be presented with the case against them, including any allegation(s) and supporting evidence in advance of any disciplinary meeting
- The employee must be advised of their right to be accompanied at any disciplinary hearings or meetings and be allowed representation (colleague or trade union representative)
- The employee must be permitted and allowed an opportunity to state their case
- The manager must only form a judgement after having considered all the facts disclosed and following a fair hearing where the Employee is allowed to respond to complaints and these responses are considered in the given circumstances
- An employee may be suspended on full pay at any stage during the disciplinary process, even before any allegation is presented to the employee. This is done with no inference of guilt or otherwise against the employee. Suspension will be for a reasonable period only and will often depend on the duration of the disciplinary investigation process.
- The decision on what level of disciplinary sanction, if any, is to be imposed will be taken during the adjournment. A follow up disciplinary meeting will be held with the employee where this decision will be communicated to the Employee. The Employee may have a representative present at this meeting. Formal disciplinary action will be confirmed in writing.

- Any sanction must be appropriate to the charge. Dismissals should not be seen as excessive
- The employee must be advised of and afforded a right to appeal (if and when a decision is made)

Formal Warning Process

Providing the rules relating to “Natural Justice” have been followed before each stage of the disciplinary process sanctions may be applied as outlined below. Any warnings given should clearly specify the reason(s) for the warning, the change(s) required and timescale in which improvement must be achieved, the consequences of failing to improve and that the Employee has a right to appeal.

Stage 1 Formal Verbal Warning

If the informal procedure does not result in the improvement(s) required or there is a further breach of conduct, poor attendance or lapse from performance standards, or where more serious disciplinary action is deemed appropriate given the particular circumstances of the case, a formal disciplinary hearing will be arranged and held as outlined in this procedure.

Following the meeting, a formal verbal warning may be issued to the employee by his or her immediate manager/supervisor. This warning will be recorded on the employee’s personnel file.

An action plan will also be agreed in order to attempt to resolve this issue in the future. A copy of the notes from the meeting, the agreed action plan and a copy of the verbal warning, along with any other relevant documentation, will be placed on the employee file.

The verbal warning will expire following a period of satisfactory performance, conduct or attendance, as outlined in the formal verbal warning document. A formal verbal warning may be appealed through the appeals procedure outlined in this policy. Failure to achieve the requirements set out in the corrective action plan may result in further disciplinary action.

Stage 2 First Written Warning

Where a formal verbal warning fails to resolve an issue, or where more serious disciplinary action is deemed appropriate given the particular circumstances of the case, a formal disciplinary hearing will be arranged and held as outlined in this procedure.

Following the meeting, a first written warning may be issued by the appropriate Manager / Supervisor. An action plan will also be agreed in order to attempt to resolve this issue in the future. A copy of the notes from the meeting, the agreed action plan and a copy of the first written warning, along with any other relevant documentation, will be placed on the Employee file.

The first written warning will expire following a period of satisfactory performance, conduct or attendance, as outlined in the first written warning document. A first written warning may be appealed through the appeals procedure outlined in this policy. Failure to achieve the requirements set out in the corrective action plan may result in further disciplinary action.

Stage 3 Final Warning

Where a first written warning fails to resolve an issue, or where more serious disciplinary action is deemed appropriate given the particular circumstances of the case, a formal disciplinary hearing will be arranged and held as outlined in this procedure.

Following the meeting, a final written warning may be issued by the appropriate Manager / Supervisor. An action plan will also be agreed in order to attempt to resolve this issue in the future. A copy of the notes from the meeting, the agreed action plan and a copy of the final written warning, along with any other relevant documentation, will be placed on the Employee file.

The final written warning will expire following a period of satisfactory performance, conduct or attendance, as outlined in the final written warning document. A final written warning may be appealed through the appeals procedure outlined in this policy. Failure to achieve the requirements set out in the corrective action plan may result in further disciplinary action.

Stage 4 Dismissal

Dismissal may occur in two ways. Generally, the employee will have been notified of concerns and have been provided with an opportunity to improve through one or more stages of the disciplinary procedure.

The other form of dismissal is a summary dismissal, which normally results from an act of gross misconduct. An act of misconduct will be considered as gross misconduct where the act is so serious that CIDP cannot reasonably be expected to retain the employee in employment. Summary dismissal occurs without recourse to the earlier stages of the disciplinary procedure.

In all cases an appropriate and fair hearing, which adheres to the principles set out in this procedure, will be undertaken and careful consideration given to the decision on whether or not dismissal is the appropriate sanction given the circumstances of the case. In cases of alleged gross misconduct, an in-depth investigation may be necessary, and an employee will be suspended on pay pending the outcome of this investigation. Suspension on pay is not deemed a disciplinary sanction, and there will be no negative inference against an Employee as a consequence of any such suspension.

Where there is an allegation of gross misconduct or gross incompetence, it may be appropriate after a formal investigation to initiate the procedure at stage 4. In such circumstances, there is no obligation on CIDP to provide advance notice of dismissal. Decisions to dismiss in such circumstances may only be taken by a senior Manager in CIDP, or a nominated officer, following a full and fair investigation and hearing process. The decision will be confirmed in writing to the Employee.

Alternative Disciplinary Sanctions

In addition to the sanctions outlined in stages 1 to 4 of the disciplinary procedure, CIDP also retains the right to impose alternative disciplinary sanctions as outlined in this section. This will only occur where deemed appropriate. Such action is an optional stage of the procedure, rather than a required stage. Where deemed appropriate, alternative sanctions, which may be imposed, may include a transfer, demotion, suspension without pay, or withholding of a salary review for a period or removal of another benefit.

Note on Probation

During the period of an Employee's probation, including extended probation, the full rigours of the disciplinary process may not apply, and CIDP retains the right not to exhaust the disciplinary procedure during probation.

6.3 Disciplinary Hearing

6.3.1 Purpose of the Disciplinary Investigation and Hearing

The purpose of the formal Disciplinary Investigation and Hearing is to:

- Emphasise to the employee that disciplinary action is now at a very serious level and has moved beyond the control of their normal manager
- Establish the facts, review the evidence
- Give the employee an opportunity to present their case and challenge the allegation(s) and the evidence
- Give the employee an opportunity to explain any mitigating circumstances
- Judge cases of unacceptable conduct on the part of an employee
- Impose such sanctions as are authorised by these rules, with the objective of helping and encouraging improvement, minimising the effect or preventing recurrence of the unacceptable conduct

6.3.5 Operation

Should the employee in question fail to attend, then the hearing will normally proceed as arranged. If this non-attendance is caused by sickness or other acceptable reason(s) then the Chairperson of the Disciplinary Investigation and Hearing has the discretion to postpone the hearing until a later date. The members of the Disciplinary Investigation and Hearing should be introduced to persons participating in the meeting and their roles explained.

Witnesses giving evidence to the Disciplinary Investigation and Hearing may have their written or verbal statements queried by those taking part in the hearing and further clarification or investigation may then be necessary.

6.3.7 Appeals

If a decision has been made to include disciplinary action the employee has a right to appeal against such a decision.

6.3.8 Making an Appeal

Such an appeal must be made within 5 working days of the written decision of the Disciplinary Hearing. The details of whom the appeal should be made to will be included in the warning document, or letter of dismissal. The appeal must be in writing stating the specific grounds of the appeal.

All timeframes in this policy assume Employees are attending work. If Employees have had time out of work, the duration of the disciplinary steps may be extended.

6.3.10 Appeals Process

- The appeal will be dealt with as quickly as practicably possible
- It will be heard by a Representative of the Catholic Institute for Deaf People, or a nominated officer, who has not been involved previously and who is appointed by the Chief Executive Officer
- The decision of the Appeal Hearing is notified to the employee in writing
The decision of the Appeal Hearing is the final stage of the Appeals procedure of the Catholic Institute for Deaf People.

6.5 Duration of Warnings

Warnings will be disregarded for disciplinary purposes following a period of satisfactory performance, conduct or attendance, as outlined in the written warning document.

- Stage 1 After 6 months
- Stage 2 After 12 months

- Stage 3 After 12 months
- Stage 4 12 months

6.6.1 Suspension with pay

In circumstances involving potential gross misconduct and some situations when relationships have broken down, where it is considered that there is a risk to company property, or the responsibilities of other parties, management may suspend an employee with pay whilst an unhindered investigation is conducted. The local supervisor/manager before referral to a Disciplinary Investigation and Hearing will investigate the facts of such a case. In such circumstances, the suspension is not part of the disciplinary procedure.

Grievance Procedure

The Catholic Institute for Deaf People is committed to the fair and equal treatment of its staff members. It is accepted that when people work together there may be issues or misunderstandings that need to be dealt with from time to time. Good communication, openness and a willingness to co-operate and listen, help to resolve those issues efficiently and effectively. It is the responsibility of all supervisors and managers to listen and respond to issues raised.

The policy is to be applied in order to assist and encourage Employees to raise any issues of concern to them in order that CIDP may take appropriate action to resolve these concerns.

This policy applies to the individual grievances of all employees. The policy is not appropriate for dealing with issues of harassment, sexual harassment or bullying, which should be addressed through the appropriate procedures set out by CIDP. Further information may be sought from your Manager.

6.8 Policy Overview

A grievance is a formal expression of dissatisfaction with workplace relationships, the work environment or a term or condition of employment. It is the policy of this Institute to recognise that situations of this nature may arise; therefore, this procedure is in place to assist employees to resolve such matters. It is acknowledged that grievances, which are not raised and addressed, may escalate and become serious distractions in the workplace. Therefore, all employees are encouraged to raise any concerns they may have through the procedure set out here.

Management are responsible for listening and responding to all employee concerns raised through this procedure. In all cases, matters will be dealt with in as confidential a manner as possible. Employees may utilise the procedure whenever they feel it is required. An employee will not be treated adversely for raising a grievance.

During the formal stages of the procedure, employees have the right to be accompanied at a meeting by a representative (colleague or trade union representative). The role of the employee's representative is to ensure that the employee is afforded a fair opportunity to raise their issue and afforded fair consideration.

General Principles

Normal work must continue while the alleged grievance is being examined. Employees are required to carry out all instructions that are appropriate to them provided they are not contrary to safety requirements and if aggrieved by such instructions to subsequently pursue the grievance as set out below. The overall aim of this procedure is to settle grievances quickly and as near as possible to their point of origin. Application of the procedure must comply with the general principles of natural justice and fair procedures, which includes:

- That employee grievances are fairly and impartially examined and expressed

- That the employee is given the opportunity to avail of the right to be represented during the procedure
- That the employee concerned has the right to a fair and impartial determination of the issues concerned, taking into account any representations made by, or on behalf of, the employee and any other relevant or appropriate evidence, factors or circumstances
- That the employee concerned has the right to an appeal process if they feel the grievance has not been satisfactorily resolved and to be notified of the final decision

These principles require that the allegations, concerns or complaints be set out in writing at Stage 2 onwards as outlined below

- Written records should be kept of all meetings and decisions

6.9 Detailed Procedures

Stage 1 Informal

- Employees are encouraged to approach their immediate supervisor when they first have a grievance in order to discuss issues and attempt to resolve them informally
- Should the employee feel uncomfortable approaching their Supervisor / Manager regarding a particular issue, they may approach another Supervisor / Manager to raise the issue.
- Every reasonable effort should be made to resolve the grievance at this informal stage
- The problem will be discussed and the issues dealt with promptly
- If the decision fails to resolve the grievance to the satisfaction of the employee it may be progressed to Stage 2

Stage 2 – Formal Procedure

- Should an employee(s) be dissatisfied with the response given to the informal procedure, or where it is deemed inappropriate, they should make a written approach to their superior/manager's immediate superior, or where this is deemed inappropriate, to any other Manager. If this person is the Chief Executive Officer of CIDP, he/she may write to a Deputy
- A grievance hearing will be arranged within an agreed timeframe, to which the Employee is entitled to bring a representative. Advance notification of this meeting will be provided in writing.
- The employee(s) may be accompanied to any grievance hearing by a Trade Union representative, or work colleague
- The employee will be invited to provide more information regarding their grievance at this meeting.
- The meeting will be adjourned to allow Management to explore the issue further and to identify possible solutions where appropriate. Employee(s) will be informed of their right to appeal, the time period applying, and to whom the appeal should be addressed. The specific grounds of appeal should be submitted in writing

Stage 3– Formal Procedure

- If the response at Stage2 does not resolve the issue to the satisfaction of the employee, then the employee may appeal. Details of the procedure to be followed in the event of an appeal will be outlined in the written decision on the grievance, as outlined above.
- The appeal hearing will be held promptly within an agreed timeframe
- A senior member of Management, and/or an appropriate third party will be present at the meeting to ensure that the grievance is given due consideration

- At the appeal hearing the employee(s) may be accompanied by their Trade Union representative or work colleague
- The grievance will be discussed with a view to exploring possible satisfactory outcomes and a prompt response given
- The decision after Stage 3 is binding on all parties to the dispute and is the final stage of CIDP's Grievance Procedure.

If the Employee is dissatisfied with the response given to the grievance, he/she will have to accept that it cannot be resolved to his/her satisfaction, as the procedure has been exhausted.

6.9.1 Operation of Grievance Procedure

Time Limits:

It should be possible to resolve most grievances promptly through direct communication between the employee(s) and their immediate supervisor/manager.

Where it is necessary to have issues dealt with at a higher level in CIDP commit to procedures operating as speedily and efficiently. To that end, grievances will be heard within 2 weeks of receipt and decision conveyed/confirmed in writing within 2 weeks of the hearing. (These timescales may be altered by mutual agreement between the parties or with due regard for holidays and/or availability of the parties concerned).

6.9.3 Work Continuation

While aggrieved issues are under consideration, the employee is required to continue to carry out the duties assigned to them provided they are not contrary to safety requirements. A failure of the employee to abide by procedures or act outside the Grievance Procedure may be treated as misconduct and dealt with under the Disciplinary & Procedure. Non-compliance will result in the suspension of the procedure and the Disciplinary Procedure being instituted.

6.9.4 Malicious Concerns / Accusations

If following detailed consideration of all relevant facts of the case, it is considered that the complaint was malicious or vexatious; it may be dealt with under the Disciplinary Procedure.

Lodging a malicious or vexatious complaint is a serious disciplinary offence, and, depending on the seriousness of the issue, may be deemed gross misconduct by CIDP and may result in summary dismissal.

6.9.5 Statutory Rights

Nothing in these procedures will interfere with an individual's statutory rights under employment legislation.

7 Equality and Equal Opportunities

Purpose

The purpose of this policy is to demonstrate CIDP's commitment to equality of opportunity in line with the requirements of the Employment Equality Acts, 1998-2011. The policy also supports the rights of persons availing of goods or services under the Equal Status Acts, 2000-2011.

Our aim is to promote equality of opportunity and fair treatment for all Employees, job applicants, customers and people with whom our employees come into contact with in the course of their day-to-day work.

Scope

This policy applies to all employees and applicants for employment.

Policy

We promote a work environment free from unlawful discrimination. The Employment Equality Acts and the Equal Status Acts set out nine protected grounds in relation to which no discrimination should occur. These grounds are gender, civil status, family status, sexual orientation, age, disability, race, religion and membership of the Traveller community.

CIDP is committed to equality of opportunity, and operates non-discriminatory practices in relation to access to employment, conditions of employment, access to training and experience, promotion or re-grading of posts, and classification of posts. Employment decisions will not be made with reference to these grounds unless these are legitimate criteria given the particular situation, as permitted by legislation.

Direct discrimination occurs where a person is treated less favourably than another person is, has been or would be treated in a comparable situation due to one of the nine grounds specified in this policy.

Indirect discrimination is taken to occur where an apparently neutral provision, requirement, policy or rule puts a person with one characteristic at a particular disadvantage compared with others without that characteristic.

Procedure

Access to Employment:

- All recruitment and selection competitions will be open to all suitably qualified applicants.
- Recruitment decisions will be made against specified criteria as required for the particular vacancy.
- CIDP will seek to ensure that the recruitment process is free from any direct or indirect discrimination on any of the nine grounds.
- Every applicant, external or internal, will be assessed against fair and consistent criteria relating to the job.
- Where an applicant indicates that they have special needs, to facilitate their participation in the recruitment and selection process, reasonable accommodation will be provided, subject to this not imposing a disproportionate burden.

Access to Training and Experience:

- Training will be provided on the basis of individual needs and the requirements of the post held by the Employee.
- Selection for training will not be based on any of the nine grounds. These are as follows;
 - Gender: this means man, woman or transsexual
 - Civil status: includes single, married, separated, divorced, widowed people, civil partners and former civil partners
 - Family status: this refers to the parent of a person under 18 years or the resident primary carer or parent of a person with a disability

- Sexual orientation: includes gay, lesbian, bisexual and heterosexual
 - Religion: means religious belief, background, outlook or none
 - Age: this does not apply to a person aged under 16
 - Disability: includes people with physical, intellectual, learning, cognitive or emotional disabilities and a range of medical conditions
 - Race: includes race, skin colour, nationality or ethnic origin
 - Membership of the Traveller community.
 -
- Where an individual's disability impedes their ability to fully participate and engage in training activities, reasonable accommodation will be provided subject to this not imposing a disproportionate burden.
 - Although every effort will be made to arrange training to facilitate attendance by part-time Employees, there is an expectation that part-time Employees will make themselves available, from time to time, to attend training outside their normal hours of work.

Conditions of Employment:

- Terms and conditions of employment will be applied fairly to all employees, with no reference to any of the grounds in the Employment Equality Acts.
- CIDP seeks to provide equal pay for like work.
- CIDP endeavours to provide a work environment free from bullying, harassment or sexual harassment.

Promotion and Re-grading:

- There will be equality of opportunity at all stages of the promotions and/or re-grading process.
- Selection for promotion will be based on defined criteria related to the requirements of the post, and no reference will be made to the nine grounds in the selection process.

Classification of Posts:

- Gender-neutral job titles will be used and no reference will be made to any of the other eight grounds in classifying positions.

Reasonable Accommodation:

- Reasonable accommodation shall be provided in order to facilitate a person with a disability to apply for positions with CIDP, to attend for interview, to engage in employment and to participate in training activities as applicable.
- This commitment is subject to such reasonable accommodation not presenting a disproportionate burden on CIDP, unless otherwise deemed appropriate.

Equal Status:

- No person will be discriminated against or treated adversely while availing of goods or services provided by CIDP, except where this is legally permitted and undertaken with a legitimate aim. No person availing of goods or services should be subject to harassment or sexual harassment while availing of these.
- Any complaints in this respect should be brought to the attention of your Manager.

Any employee who feels that there has been a breach of this policy or procedure may raise the matter through CIDP grievance procedure. No employee will be subject to adverse treatment as a consequence of raising a complaint in relation to this policy. CIDP will monitor the workplace for incidents of victimisation following a complaint.

CIDP will take appropriate disciplinary action towards an Employee who fails to follow this Equal Opportunities Policy.

8 General Terms and Conditions

8.1 Staff Personal Information

It is the employee's responsibility to provide accurate information to CIDP so that their employment can be properly managed. To deal correctly with your career, work and pay, CIDP needs to know of any changes in your personal circumstances.

Please tell your immediate manager of changes in:

- Home address and/or accommodation address, telephone number, post code
- Next of kin (Emergency Contact)
- Bank address and account number
- Qualifications

Personal data is normally obtained directly from the employee concerned. In certain circumstances, it will, however, be necessary to obtain data from third parties e.g. references from previous employers.

8.2 Confidentiality

Every effort is taken by CIDP to ensure that the affairs of our employees, the Deaf Community, residents in our homes and pupils in our schools are treated with absolute confidentiality and you should note the following provisions, in particular:

- You will be expected to keep all information concerning CIDP, our employees, the Deaf Community, residents in our homes and pupils in our schools, with whom you are involved as an employee of CIDP, absolutely confidential. Any breach of confidence will be regarded as gross misconduct
- You will be expected to devote your entire working time and attention to CIDP's affairs and therefore you may not, without the consent of the Manager or Director of your facility in advance, be involved in any outside business or enterprise
- You will deliver to CIDP, on termination of your employment, or at any time it may so request, all memoranda, notes, records, manuals, programmes or electronic records, any other documents or property belonging to CIDP or relating to its employees, the Deaf Community, residents in CIDP homes or pupils in its schools, which you may then possess or have under your control. You may not, without CIDP's prior written consent, keep copies of same

- You may not remove from CIDP's premises at any time, without proper advance written authorisation, any document or other property, which belongs to CIDP or contains or refers to any confidential information relating to CIDP, its employees, the Deaf Community, residents in its homes or pupils in its schools. You will return to CIDP, after termination of your employment any documents or other Institute property that subsequently comes into your possession or procurement in the future

8.3 Drugs and Alcohol

It is recognised that the Catholic Institute for Deaf People has a duty of care to the adults and children residing in the residences and to the employees who work with these adults and children.

The purpose of this policy is to outline CIDP approach to drugs and alcohol.

This policy applies to all employees, and Contractors of CIDP.

Key Principles

Employees should not be adversely affected by alcohol or drug use during work hours and must at all times carry out their duties and responsibilities in a safe manner. Work premises are alcohol and drug free during work hours. Use of alcohol or drugs outside of work hours should not impair performance and behaviour at work.

Glossary of Terms and Definitions

For the purpose of this policy, the term alcohol and drugs will be defined as mood altering substances, either legal or illegal. This includes alcohol, abuse of prescribed medication with or without a prescription as well as the use of illegal substances.

Policy

It is the policy of CIDP to adhere to the Safety, Health and Welfare at Work Act, 2005 under which Employers are obliged to provide a safe workplace for all Employees.

Employees are responsible for adhering to this policy as failure to do so may compromise the health, safety and welfare of themselves and their colleagues. For this reason, the use of non-prescribed illegal substances, the abuse of prescribed legal substances, or the use of alcohol is strictly forbidden, during working time or at work. The possession of such substances while on CIDP premises or during working time is also prohibited.

Employees taking prescription drugs that are not recommended to be taken whilst driving a car notify their Supervisor / Manager where the role may necessitate driving.

Action where an Employee is suspected of being unfit for Work or in the possession of Alcohol or Drugs

In any instances of suspected intoxication in the workplace, the Manager or Supervisor will record the factors supporting this conclusion, for example: smell of alcohol on breath, dilated pupils, impaired co-ordination or speech. The first step will be for the Manager or Supervisor to request an immediate meeting with the employee.

The factors leading to the concern will be outlined to the employee who is suspected of being under the influence of drugs or alcohol. The Employee will be sent home immediately. Payment of wages may be deducted for that day.

Where an employee is removed from the site/the premises, CIDP will use reasonable endeavours to ensure that individual travels home in a safe manner. An employee found in possession of illegal substances will be reported to An Garda Siochana.

An employee who is suspected of being under the influence of drugs or alcohol while at work, or who is otherwise unsafe for work, or who is suspected of having alcohol or drugs in their possession may be subject to disciplinary action, up to and including dismissal.

Procedures regarding Identification of Alcohol or Drug use

An Employee with an addiction problem should be assured that every assistance will be given to them if they are willing to try to overcome the problem and that the matter will be treated in strict confidence. Any Employee who suspects he/she has an alcohol and / or drugs problem is encouraged to seek help voluntarily. This request should be made to the Supervisor or Manager on a personal basis. Time off work to obtain help may be offered if necessary.

Confidentiality

CIDP aims to ensure that the confidentiality of all employees experiencing alcohol or drug problems is maintained. Information regarding individual cases will not be shared with third parties unless consent has been provided by the individual or the safety of the person concerned or others is comprised.

8.4 Hygiene

High standards of hygiene must be maintained at all times. You must comply with Institute requirements and standards with regard to hygiene. You are required to conform to the highest standards of personal hygiene and appearance. You are responsible for keeping your work area and areas under your responsibility clean and tidy at all times.

8.5 Employee's Property

CIDP will not accept responsibility for loss or damage to employees' property on their premises. You should be aware that the car parking within CIDP's properties is not necessarily secure and that CIDP will not accept responsibility for damage or losses to or from cars parked. You are advised to lock your car and not to leave any valuables in clear view from the outside. Employees should report to their immediate Supervisor/Manager all lost or found property.

8.6 Loss of Earnings Claims

CIDP makes payment to employees during authorised absences, as specified in Employment Policies and Procedures manual (e.g. Jury Service, sick pay, etc.,) on the clear understanding that, if it is possible, for the employee to claim for loss of earnings they must do so and make restitution to CIDP. If you have been absent as a result of an injury caused by the negligence of a third party and make a claim for compensation you should include in such claim an amount to recover any monies paid to you by CIDP by way of sick pay. Any monies so recovered must be refunded to CIDP.

9 Holiday Entitlement & Leave Arrangements

9.1 Annual Leave

All employees are entitled to avail of annual leave, as provided for in the statement of terms and conditions of employment. Part time employees and employees commencing employment during the leave year will have their Annual Leave entitlement calculated on a pro rata basis.

The holiday qualifying year for schools, school residences and Chaplaincy employees runs from 1st September to 31st August of the following year. The holiday qualifying year for all other employees of

CIDP runs from 1st January to 31st December of the same year. Your entitlement is granted in accordance with the provisions of Part III of the Organisation of Working Time Act, 1997. Employees are expected to take their holiday entitlement at times convenient to their work. Employees who work in the schools or the residences that support the schools will be required to take annual leave during the school breaks, usually in July, August, Christmas and Easter.

Applications for leave of 2 weeks or more at any one time will be considered in light of business requirements, and may be approved or otherwise at the discretion of Management. The holiday entitlement should be taken after obtaining the written permission of your Supervisor/Manager. Preferred holiday periods will be respected as far as possible within the framework of CIDP's work and operational needs. The final decision in allocating annual leave rests with management. Pay for annual leave will be provided at the normal daily rate.

It is in the best health and welfare interests of employees to make full use of their annual holiday entitlement each year. Holidays cannot be carried forward from one holiday year to the next except by prior arrangement with your supervisor/manager. CIDP has a duty and responsibility to ensure that employees use their leave entitlement within the holiday year. If an employee fails to plan and reserve holidays to be taken before the end of the holiday year, in agreement with their supervisor/manager, management reserve the right to specify the dates on which the employee will use outstanding holiday entitlement. Any holidays carried over from the previous holiday year, by arrangement with management, must be taken within six months of ending of the leave year.

When a termination of contract occurs and the paid holidays already taken exceed the paid holiday entitlement on the date of termination, CIDP reserves the right to deduct the excess holiday pay from any termination pay.

9.2 Public Holidays

Public holiday entitlements will be granted in accordance with the provisions of the Organisation of Working Time Act, 1997. CIDP recognises nine Public holidays. These are:

- New Year's Day
- St Patrick's Day
- Easter Monday
- The first Monday in May
- The first Monday in June
- The first Monday in August
- The last Monday in October
- Christmas Day
- St Stephen's Day

Under normal circumstances CIDP will give employees a day off with pay on the day of a public holiday. In exceptional circumstances employees may be required to work. On such occasions staff will be compensated as per the provisions of the Organisation of the Working Time Act, 1997.

9.3 Maternity Leave

Arrangements for maternity leave will be in accordance with the provisions of the Maternity Protection Acts, 1994 and 2004. Information leaflets are available from CIDP. All employees with more than one year's service, covered by the Maternity Acts are entitled to:

- Time off with full salary minus the social welfare payment for 50% of the leave period (13 weeks) and half pay for the remaining 50% of the leave period (13 weeks).

- Time off, without loss of pay, for ante-natal/post-natal care appointments
- Time off, without loss of pay to attend one set of ante-natal classes (other than the last three)
- Health and safety leave where CIDP is unable to remove an identified risk, is unable to adjust the work in order that the risk no longer exists or is unable to provide suitable alternative employment to the employee
- Accrual of annual leave and public holidays whilst on maternity leave and additional maternity leave
- Protection against unfair dismissal on grounds of pregnancy, maternity leave or matters connected therewith
- Return to work after maternity and protective (health and safety) leave where possible to the position held immediately prior to the commencement of leave (provided this was their normal position). Where is not feasible, to return to work to suitable alternative employment that is no less favourable in terms and conditions

and at the option of CIDP to either:

- Breaks of one hour in the workplace where facilities are provided for breastfeeding

Or

- To a temporary reduction in working hours without loss of pay, for the purpose of breastfeeding
- Subject to agreement with CIDP, a right to terminate additional maternity leave in the event of the employee becoming ill transfer to sick leave and to postpone maternity or additional maternity leave if the child is hospitalised and to resume their leave on the child's discharge from hospital.

In the case of fathers CIDP will grant:

- Time off to attend, on a once off basis, the last two ante-natal classes before the birth
- The balance of the maternity leave or additional maternity leave where the mother dies on maternity leave or additional maternity leave

Fixed term Employees

All fixed term employees are covered so long as they are in employment. Fixed Term employees are protected under the Maternity Protection Acts so long as they are in employment. Therefore, they are entitled to maternity leave like their permanent counterparts but if the fixed term of the contract ends during a period of maternity leave or during any period of Health and Safety leave (prior to maternity leave) then, that is when they cease to be in employment. The fixed term of the contract does not extend to the end of the maternity leave, nor does it get postponed until after the period of maternity leave. It ends on the date it was due to end unless otherwise agreed by the employer and employee.

Procedure and Notification

A pregnant Employee should advise CIDP of her pregnancy as soon as possible in order that measures may be taken to protect her health and safety at work and that of her developing child.

The right to take maternity leave is subject to the employee concerned giving to her supervisor/manager at least four weeks written notice of intention to take maternity leave, and also giving or producing for inspection, a medical (or similar) certificate, confirming the pregnancy and specifying the expected week of confinement. Subsequently, if the employee wishes to change the starting date of her maternity leave a second notification must be made which also gives at least four weeks' notice of the beginning of maternity leave. Leave must commence at least 2 weeks before the

end of the expected week of confinement and at least 4 weeks leave must be taken following the birth of the child.

The employee's right to return to work is conditional on written notification of intention to return to work and must be given at least four weeks before the due date of return. The supervisor/manager should prepare a copy of CIDP's advice to employees taking Maternity Leave form so that there is a clear understanding between the employee and CIDP about dates and procedural requirements to be observed.

To be entitled to take additional maternity leave, an employee must inform CIDP in writing of her intention to take such additional leave not later than four weeks before the end of the maternity leave period.

Entitlement to Ante/Post Natal Care leave is subject to written notification to the supervisor/manager of the date and time of the appointments (except for her first appointment) at least two weeks in advance. Notification in the case of ante-natal classes must be at least two weeks' notice before the first class or class concerned and appropriate documentation giving the dates and times of the classes.

An 'expectant father' is entitled once only to time off from work without loss of pay to attend the last two ante-natal classes before the birth. This right is subject to the employee giving CIDP at least two weeks' notice before the first class or class concerned and appropriate documentation giving the dates and times of the classes.

Additional Information

Any notice of resignation given by an employee during maternity leave that would take effect during the period of maternity leave is void and will not be accepted by CIDP.

During these periods of leave an employee's continuity of employment in respect of any right (whether statutory, contractual or otherwise) with the exception of remuneration are preserved as if present at work. During natal care absence and time off for breastfeeding, the employee's continuity of employment in respect of any right are preserved as if she had been at work. Absences on protective leave, natal care absence and time off for breastfeeding count as reckonable service for the purposes of annual leave and redundancy calculation and will not be counted against any other leave, such as annual leave or sick leave, to which the employee is entitled.

9.4 Adoptive Leave

CIDP recognises the burdens placed on adopting parents and will maintain the employment rights of:

- All adopting mothers under a contract of employment
- All sole male adopters, under a contract of employment
- All adopting fathers, under a contract of employment, where the adopting mother has died before or during the period for adoptive leave or additional adoptive leave

All such employees will be entitled to 24 weeks of statutory adoptive leave and 16 weeks additional adoptive leave, subject to certain notification requirements. Social welfare payments are available for statutory adoptive leave only.

Additionally, an employee will be granted time off during work hours without loss of pay to attend preparation classes and pre-adoption meetings (which they are obliged to attend and provided they are within the state) with social workers/health board officials required during the pre-adoption process.

Two weeks written notice of the first request must be provided. Evidence of the requirement to attend the class or meeting may be sought by CIDP.

Procedure and Notification

The employee must give a minimum of four weeks advance notice of their wish to take Adoptive Leave before the expected placement of the child. The expected day of placement may be given later where this is not possible. However written notification must be given not later than the proposed date of commencement of the leave.

In the case of an Irish adoption a certificate of placement should be forwarded within 4 weeks of the date of placement. In the case of a foreign adoption, a declaration of eligibility and suitability must be produced as soon as reasonably practicable, with a certificate of placement to be forwarded as soon as it is received by the employee.

If the employee wishes to take additional adoptive leave they must inform CIDP, in writing, at least four weeks before they wish to commence this leave.

To benefit from their protected employment rights during Adoptive Leave the employee must inform CIDP, in writing, at least four weeks before the date in which they wish to return to work after adoptive leave or additional leave.

In the case of a foreign adoption, an adopting mother or sole male adopter may avail of some of their additional leave before the placement of the child for the purposes of familiarisation with the child in advance of the adoption. Four weeks written notice of this intention must be provided, and a declaration of suitability and eligibility must also be supplied. This entitlement is in addition to the time permitted to attend classes and meetings in the state.

Return to Work

Employees are required to provide at least four weeks written notice of their intention to return to work following leave. This notice should confirm the intended return to work date. Where possible the employee will return to the position held immediately prior to the commencement of leave (provided this was their normal position), however where this is not feasible, the employee may return to work to suitable alternative employment that is no less favourable in terms and conditions.

Annual Leave and Public Holidays

Annual leave and public holiday benefits will continue to accrue for the period of adoptive leave and additional adoptive leave.

Employees Taking Maternity Leave under the Maternity Protection Act, 1994 -2004

Name of Employee: _____

(a) Your maternity leave period will commence on _____ (date)

(b) Your maternity leave period is due to end on _____ (date)

Taking Maternity Leave Only

(c) If you do not plan to take additional maternity leave, you should notify in writing your intention to return to work after maternity leave either before taking leave or (4 weeks notification) not later than _____ (date) confirming your return to work date.

Taking Additional Maternity Leave

(d) If you intend taking all of your additional maternity leave entitlement, as well as maternity leave, you are due to return to work on _____ (date)

(e) You must notify in writing your intention to take additional maternity leave before the expiry of your maternity leave, not later than _____ (date)

(f) You must notify in writing your intention to return to work (4 weeks notification) not later than _____ (date)

(g) If for any reason as provided under the Maternity Protection Acts, 1994 and 2004 you will need to extend or shorten your maternity leave or additional maternity leave periods, you must notify in writing the new date of return to work and new dates will apply for the notifications agreed above. _____ (date)

If you are unable to make any of the written notifications yourself, you should make sure that someone else does so on your behalf.

SIGNED: _____ (for CIDP) DATE: _____

9.6 Parental Leave

All qualifying employees who are natural or adoptive parents of, or who are persons acting in loco parentis to, a child under the relevant age have an entitlement to avail of up to 18 working weeks parental leave in respect of that child over a defined period of time.

Arrangements for the taking of parental leave will be in accordance with the provisions of the Parental Leave Act, 1998 and 2004.

Scope

This policy applies to all Employees who are natural or adoptive parents or acting in loco parentis to a child under the relevant age.

Policy

All qualifying Employees who are natural or adoptive parents of, or who are persons acting in loco parentis to, a child under the relevant age have an entitlement to avail of up to 18 working weeks parental leave in respect of that child over a defined period of time.

Parental leave is unpaid leave. However, Employees should note that where a block of leave is taken with the result that no PRSI contributions will be made by CIDP or Employee in that week, then the Department of Social Protection may make PRSI contributions on the Employee's behalf. This is subject to the Employee notifying the Department of Social Protection of the fact that they are on leave.

Who is a qualifying Employee?

In order to qualify for parental leave an Employee must meet the following criteria;

he/she must have completed 12 months' service with CIDP to qualify for 18 working weeks leave, or where the child is about to go over the relevant age, and the Employee has completed more than 3 months service but less than 12, he/she will be entitled to avail of 1 working week of leave per completed month of service.

What age must the child be in order to be deemed under the relevant age?

The relevant age of the child in respect of whom leave may be taken may vary depending on certain factors. Parental leave is allowed in respect of a child;

aged under 8 years of age, or

within two years of an adoption order where the child is adopted between the ages of 6 and 8 years, or aged under 16 years in the case of a child with a disability/ long term illness.

Applications Procedure

Applications for parental leave must be made in writing at least 6 weeks prior to the intended commencement of leave. A response to this application will be issued by CIDP 4 weeks before the intended commencement of leave indicating whether the leave can be approved, or whether it is necessary to postpone the leave. Postponement of leave will not exceed 6 months except where this is permitted by legislation and necessary for operational reasons. In all cases discussion will be held to establish a suitable new timing for the leave. Where the leave is approved, a confirmation document will be produced for signature and filing.

If both parents are Employees of CIDP, Employees may request that a portion of the leave (not more than 14 weeks) be transferred to the other parent, approval of such a transfer of leave will be at the discretion of CIDP.

Patterns of Leave Permitted

Leave may be availed of as a continuous period of 6 weeks or greater at any one time. Periods of leave of a lesser duration are entirely at the discretion of Management, and it may not be possible to permit these. Consult your Manager for further information.

Sickness During Parental Leave

Should an Employee fall ill during parental leave, and as a result is unable to care for their child, they may suspend their parental leave and the time may be treated as certified sick leave. This is subject to the Employee complying with normal sick leave reporting procedures and submission of a doctor's certificate confirming the illness irrespective of the number of days of sickness. This certificate should confirm that the Employee is incapable of caring for the child in respect of whom leave is being taken.

Abuse of Leave

An Employee must use parental leave for the purpose of caring for the child in respect of whom it is taken. Employees may not work in alternative employment while on this leave. Abuse of parental leave may be treated as a serious disciplinary matter.

Annual Leave and Public Holidays

Annual leave entitlements continue to accrue and public holiday benefits will continue to be provided during the period of an Employee's parental leave.

Returning to Work

Employees are entitled to return to work to the same job and under the same terms and conditions of employment following parental leave. Where this is not reasonably practicable, CIDP will provide suitable alternative employment that is no less favourable in terms and conditions.

Employees may request a change in working hours / patterns, or both, to apply for a set period of time following their return from Parental leave. Such requests must be submitted not later than 6 weeks prior to the proposed commencement of this set period. CIDP will consider all requests having regard for the Organisational needs, and the Employee's needs at the time and will respond within 4 weeks of receiving the request.

9.7 Bereavement /Compassionate Leave

CIDP would wish to support employees during times of bereavement and allows employees paid leave.

- In the event of the death of a close relative (a parent, spouse/partner, child, brother or sister) 3 days paid leave will be granted
- In the event of the death of a member of the employee's extended family, (grand-parent, grand-aunt/uncle, aunt, uncle, first cousin, parent-in-law) 1 day's paid leave will be granted
- In the event of the death of a friend or more distant relative, unpaid time off for attendance at a funeral may be granted at the discretion of management

9.8 Force Majeure Leave

Policy

The Catholic Institute for Deaf People wishes to support employees in times of personal or family difficulties and may grant Force Majeure Leave. An employee may be entitled to short term leave with pay for urgent family reasons, owing to the injury or illness of one of the following persons. Entitlement to force majeure leave is limited to circumstances where the immediate presence of the employee, at the place where the ill or injured person is situated, is indispensable.

Eligibility

An employee wishing to take Force Majeure Leave may do so in respect of:

- A parent or grandparent of the Employee
- Spouse/ partner
- A person with whom the employee is in a relationship of domestic dependency, including, but not limited to, same sex partners.
- Brother/sister of the Employee
- Child/adopted child of the Employee
- A person to whom the employee is in loco parentis

Entitlement

Employees are entitled to up to three (3) days paid Force Majeure Leave in a twelve (12) month period or no more than five (5) days in a thirty-six (36) month period. Part days absent will be regarded as one (1) day. In accordance with legislation, a day is deemed to be the period of work for which the employee was rostered on that occasion.

Entitlement to force majeure leave is limited to circumstances:

- where the immediate presence of the Employee is indispensable,
- where the Employee is present at the place where the ill or injured person is situated.

Notification

On the day in question, the employee should notify their Supervisor/Manager (or another Manager where their own Supervisor / Manager is not available) as early as possible of their intention to take Force Majeure Leave and the reasons for it.

CIDP acknowledges that it is not feasible for employees to give notice requesting Force Majeure Leave, as it is designed to cater for unforeseen emergencies only.

However, on return to work, a Force Majeure Leave application form (see copy of form below) should be completed and submitted to the relevant Supervisor/Manager for approval. In addition, evidence of the family emergency may be required. This will normally be a medical certificate from the doctor attending the family member, outlining the nature of the injury or illness and confirming that the employee's presence was urgently required. In emergency situations, the medical certificate will be self-explanatory.

CIDP will inform Employees if their application for Force Majeure Leave has been successful and will hold records of all Force Majeure Leave taken by Employees.

APPLICATION FOR FORCE MAJEURE LEAVE

(a) Name of Employee: _____

(b) Address of Employee: _____

(c) RSI Number: _____

Name and Address of
Injured /member of
the employee's family _____

Relationship to Employee: _____

Nature and details of injury / illness of family member involved:

Date(s) of Force Majeure Leave: _____

I confirm that I wish to apply for Force Majeure Leave on the above-mentioned date(s) because of above urgent family reasons, owing to the injury / illness of the person specified above; my immediate presence at that person's address was indispensable, as shown above.

DECLARATION

I declare that the information given by me above is true, accurate and complete in all respects and I both understand and accept that if that is not the case, whether knowingly on my part or otherwise, following due investigation by CIDP, I may be denied Force Majeure Leave and/or liable to disciplinary action.

Signature of Employee: _____ Date: _____

Confirmation of Parental Leave

Employees taking Parental Leave under the Parental Leave Act, 1998 as amended by the Parental Leave (Amendment) Act, 2006.

(This form must be completed no less than 4 weeks prior to proposed commencement date of Parental Leave)

Name of Employee:

(a) Your parental leave period will commence on _____ (date)

(b) As the parent of _____ (name of child) , born on _____ (date of birth) you are entitled to up to 18 weeks unpaid leave (parental leave) to enable you to take care _____ (name of child).

Number of weeks

(d) Your paternal leave period is due to end on _____ (date)

(e) Return to work Date

SIGNED: _____ (for CIDP) DATE: _____

SIGNED: _____ (employee) DATE: _____

(To be completed and signed in duplicate, a copy to be retained by CIDP and a copy to be given to the employee)

9.9 Carer's Leave

CIDP will grant unpaid Carer's Leave to employees, who have completed at least one year's continuous service, to provide full-time care for a 'relevant person' in need of full-time care and attention in accordance with the Carers' Leave Act 2001.

Carer's leave of at least 13 weeks and up to 104 weeks may be applied for. This may be extended to 208 weeks in respect of two persons in need of care in certain circumstances.

Carer's leave may be taken as a continuous block of leave, or broken into shorter periods of leave. Where the leave is broken down, the Employee may not commence a subsequent period of leave until 6 weeks have elapsed since the termination of the previous period of leave.

Notification

The employee must make application for leave to both CIDP and the Department of Social and Family Affairs at least 8 (eight) weeks before they propose to commence Carer's Leave and confirm that an application has been made to the Department of Social Protection for approval to be deemed a carer for the relevant person.

Where approved, at least two weeks before the proposed date of commencement of the Carer's Leave, CIDP will prepare confirmation document – see "Confirmation Document Form" below.

This document specifies:

- The date the leave will begin
- Its duration; and
- The manner in which it will be taken
- The employee must produce DFSA certificate

Both CIDP and the employee will sign this document and retain a signed copy. Once this confirmation document has been signed it can only be altered by agreement between CIDP and the employee.

Termination of Carer's Leave

Carer's Leave will terminate on the pre-agreed date in the confirmation document, or in the following circumstances, whichever is the sooner:

- On an alternative date as agreed between CIDP and the employee
- Where the person in respect of whom the employee has taken carer's leave ceases to satisfy the conditions for a relevant person
- Where the employee ceases to satisfy the conditions for the provision of full-time care and attention
- Where the relevant person dies during the period of carer's leave, the leave will terminate either six weeks after the date of death, or the date of termination specified in the confirmation document, whichever is the earlier.

Employment Rights

An Employee availing of carer's leave will be regarded as still being in employment, and none of their rights relating to employment shall be affected, with the exception of remuneration, annual leave (after 13 weeks), public holidays (after 13 weeks), superannuation benefits or any obligation to pay contributions in, or in respect of, the employment. Such absence will be reckonable for redundancy

purposes. Existing PRSI rights will be protected by the award of credited contributions during the period of carer's leave by arrangement with the Department of Social Protection.

Return to Work

An Employee on carer's leave must provide at least 4 weeks written notice of their intention to return to work. This notice should confirm the intended return to work date. Where possible the Employee will return to the position held immediately prior to the commencement of leave (provided this was their normal position), however where this is not feasible, they may return to work to suitable alternative employment that is no less favourable in terms and conditions.

Confirmation Document Form

Confirmation of Carer's Leave

To be completed by CIDP and the employee, pursuant to Section 10(1) of the Act, not later than two weeks before the commencement of the carer's leave concerned.

The employee must give CIDP a copy of the decision of the deciding officer of the Department of Social and Family Affairs, that the care recipient is a relevant person for the purposes of Section 82A (1) (inserted by the Act of 2000) of Chapter 11A of Part II of the Social Welfare (Consolidation) Act, 1993, as soon as he/ she receives it. The applicant is not entitled to Carer's Leave until he/she has done so, under Section 6(2) (2) of the Act.

Name of Employee: _____

Address of Employee: _____

PPS Number: (formerly RSI Number) (Figures) (Letters) _____

Approved Date of Commencement of Carer's Leave: __/__/____ (Day/Month/Year)

Duration of Carer's Leave: _____ weeks

Return to Work Date: __/__/____ (Day/Month/Year)

Signed of behalf of CIDP: _____ Date: _____

Signature of Employee: _____ Date: _____

9.10 Jury Service

CIDP will continue to pay full salary to an employee who is called to serve on a Jury. Jury service leave is provided for the period that an Employee is required to attend court for possible selection as a juror, and for the duration of the case on which they will sit if they are selected to sit on a jury.

Procedure

In order to avail of this leave, an employee must present the summons for jury service to their Manager as soon as they receive this notification. Their Manager will then approve the leave. In exceptional circumstances CIDP may seek to have an Employee excused from jury service, however this will only occur where business requirements are such that it is not feasible to permit the Employee to avail of the leave.

Where leave is granted, an Employee will generally be required to attend the court for a period of each day for selection as a juror, usually for a few hours in the morning each day. Where the Employee is not selected as a juror, he/she must return to work for the remainder of the day. A certificate of attendance will be produced by the clerk of the court on request, and this should be presented to the Employee's Manager on return to work each day for record keeping purposes.

Where an Employee is called for jury service, he/she should also obtain daily certificates of attendance from the Clerk of the Court confirming attendance at court. Again, where an Employee is excused from the court for part of the day he/she is expected to return to work, where appropriate.

The employee is responsible for claiming loss of earnings from the Court. This amount should be reimbursed to CIDP. It is a condition of this arrangement that employees will return to work during any reasonably available hours of the normal working day not spent on jury duty.

Employment rights, including remuneration, are protected during this leave.

9.11 Paternity Leave Policy

Purpose

The purpose of this policy is to demonstrate our compliance with the Paternity Leave and Benefit Bill 2016 and associated regulations as issued, whilst also protecting the rights of Employees under this legislation.

Scope

This policy applies to all Employees who are relevant parents to a child (other than the mother):

- The father of the child;
- The relevant adopting parent ;
- The spouse, civil partner or cohabitant of the mother of the child;
- A parent of a child where the child is a donor conceived child.

Policy

A relevant parent is entitled to avail of 2 weeks paternity leave from employment, to enable him or her to provide or assist in the provision of care to the child or to provide support to the relevant adopting parent or mother of the child. The period of leave comprises a single period of 2 continuous weeks. Only one person who is a relevant parent in relation to a child is entitled to paternity leave in respect of that child. Where a child is part of a multiple birth, or a person adopts 2 or more children at the same time, the relevant parent is only entitled to one period of paternity leave.

Paternity leave is applicable where the date of confinement in respect of the child falls on or after the 1st September 2016, or where a child is or is to be adopted and the date of placement in respect of the child falls on or after the 1st September 2016. All employees with more than one years' service, covered by the Paternity Leave and Benefit Bill are entitled to time off with full salary minus the social welfare payment for 50% of the leave period (1 week) and half pay for the remaining 50% of the leave period (1 week).

An Employee may be entitled to claim paternity benefit from the Department of Social Protection, subject to qualification criteria. In order to claim this benefit, an Employer is required to submit a form (Form PB2) to certify that an Employee is entitled to paternity leave for the dates provided. This form is available from the Department of Social Protection. The relevant parent must have a Public Services Card to apply for Paternity Benefit)/ (Please see Section G for details in relation to Paternity Pay/ Paternity Benefit).

Notification Procedure

Paternity leave can begin at the time of the birth/adoption or within 26 weeks of the birth/placement of the child.

Entitlement to paternity leave shall be subject to an Employee, who is a relevant parent, notifying his or her Employer in writing of his or her intention to take paternity leave:

- As soon as reasonably practicable but not later than 4 weeks before the expected week of confinement of the expectant mother concerned;
- In the case of a child who is/ is to be adopted, as soon as reasonably practicable but not later than 4 weeks before the expected day of placement.

At the time of notification, or as soon as reasonably practicable, an Employee must provide the Employer with a medical certificate confirming the pregnancy of the expectant mother concerned and specifying the expected week of confinement. An Employee who has not given a notification to his or her Employer in line with the requirements set out above, or who revoked such notification, may notify the Employer of his or her intention to take paternity leave not later than 4 weeks before the commencement of such leave.

Commencement & Postponement of Leave

Commencement

The period of paternity leave shall commence on such a day as the relevant parent selects in his or her notification to the Employer of their intention to take paternity leave, being not earlier than the date of confinement or day of placement, and not later than 26 weeks after such date or day. Where the Employee intends to take paternity leave, the Employee must notify the Employer of the length of leave that the Employee intends to take.

Early Confinement

Where the date of confinement occurs in a week that is 4 weeks or more before the expected date of confinement, the relevant parent will be deemed to have complied with the requirements in terms of notification to CIDP if the notification required is given in the period of 7 days commencing on the date of confinement.

Postponement

Where, as the case may be, the day of placement is postponed or the date of confinement occurs after the date selected by a relevant parent in his or her notification, the relevant parent shall be entitled to select another date on which the paternity leave shall commence.

Sickness during Paternity Leave

Where a relevant parent who has complied with the notification procedures becomes sick prior to the commencement of his or her paternity leave and wishes to postpone the paternity leave, he or she may, by notice in writing given to his or her employer as soon as reasonably practicable after becoming sick and accompanied by the relevant evidence in respect of the sickness, postpone the taking of the leave to such time as the relevant parent is no longer sick.

Abuse of Leave

Where an Employer has a reasonable belief that an Employee who is on paternity leave is not using the leave for the purpose outlined, the Employer may, by provision of notice in writing to the Employee, terminate the leave. The notice shall summarise the grounds for terminating the leave, and the day by which the Employee must return to work.

Employee Rights

During a period of paternity leave, an Employee shall be deemed to have been in the employment of the Employer, and be treated as if he or she had not been absent from work. Availing of paternity leave shall not affect any right related to the employment, other than the right to remuneration during the absence. Where an Employee is on probation, undergoing training, or employed under a contract of apprenticeship, the Employer may require that the probation, training or apprenticeship shall stand suspended during the period of leave.

Return to Work

Employees are entitled to return to work to the same job and under the same terms and conditions of employment following paternity leave. Where this is not reasonably practicable, CIDP will provide suitable alternative employment that is no less favourable in terms and conditions.

9.12 Time off for Medical Appointments

Wherever possible, dental and medical appointments should be arranged in employees' own time and not during working hours. Where an appointment outside of working hours is not possible, evidence (such as appointment card) may be requested of the medical appointment.

This policy does not extend to employees seeking time off for ante-natal appointments. This is covered under our Maternity Leave policy.

Staff should give their line Manager as much notice as is reasonably practicable of medical appointments. Subject to operational requirements, the Employee will be allowed reasonable time off to attend appointments, taking into account travel time, waiting periods etc.

Time off to attend medical appointments will be paid.

9.13 Special Leave

If you need time off work for reasons other than the above, discuss it with your manager. If an urgent personal need arises which necessitates asking for leave of absence without payment, this may be granted by management after consideration of the circumstances, at the sole discretion of management.

Absence from your work, which includes lateness, without agreement of your manager, means that you are in breach of your Contract of Employment and will be dealt with under CIDP’s Disciplinary Procedure and could result in disciplinary action up to and including dismissal.

10 Leaving the Catholic Institute for Deaf People

10.1 Termination of Employment

10.1.1 Notice Period

1) Resignation by the employee

An employee who has more than 13 weeks service and decides to leave CIDP must give one week’s notice in writing, unless his/her contract states otherwise.

2) Termination by CIDP

If CIDP terminates an employee’s Contract of Employment, it gives notice according to the continuous service as follows, unless his/her contract states otherwise:

<u>Length of Service</u>	<u>Notice Period</u>
13 weeks up to 2 years’ service	1 week
2 years less than 5 years	2 weeks
5 years less than 10 years	4 weeks
10 years less than 15 years	6 weeks
15 years or more	8 weeks

CIDP reserves the right to pay salary for the relevant period in lieu of notice.

During all or part of the period of notice, you may, at the discretion of CIDP, continue to be paid in full, but be required to stay away from work. In these circumstances you may not be required to perform any duties, but you will not be entitled to work with another employer.

In cases of gross misconduct or gross negligence which may warrant dismissal, CIDP has a right to immediately suspend the employee with pay pending a full investigation, which may result in the employee's dismissal without notice or without payment in lieu of notice.

Nothing in this contract shall prevent the giving of a lesser period of notice by either party where it is mutually agreed.

10.2 Reasons for Termination of Employment

CIDP sincerely hopes that it will not be necessary to dismiss you. You may be dismissed from CIDP where you are considered not to meet CIDPs standards/ requirements for:

- Capability
- Competence
- Qualifications
- Conduct
- Legal prevention, i.e. when a law of the land prevents your continued employment

- Retirement
- Redundancy or
- Some other substantial reason which prevents the Institution retaining you in our employment

There are, however, certain breaches of Institute rules and of established custom and practice which may also render you liable to dismissal.

All dismissals will be carried out in accordance with the provisions of CIDP's Disciplinary Procedure

10.3 Retirement

Normal retirement age for employees of CIDP is 65 years. Retirement commences at the end of the month in which you achieve your 65th birthday. CIDP reserves the right to notify relevant parties of upcoming retirement to enable CIDP to plan contingencies following the individual's retirement.

10.4 Pension

A Pension Scheme has been set up for employees of CIDP. All employees, with more than 6 months continuous service are eligible to join the Pension Scheme arranged for employees at their place of work. If an employee already has a PRSA set up with another provider, e.g. a Bank, Building Society or Insurance Company, they can continue to have contributions made to that account. Contributions from pay are made directly into the employee's pension by CIDP. CIDP is able to provide the employee member with tax relief at source for the savings made. An information booklet and application form is available from CIDP.

11 Overtime

CIDP covers each facility to the level required to provide a cost effective and efficient service. Overtime working results in additional costs to CIDP and should not be an automatic or regular solution to a manning problem. Overtime working must be approved and agreed in advance with your Supervisor/Manager. If an Employee fails to do so they won't accrue overtime.

Employees may be required to work a reasonable amount of overtime. Any employee who consistently refuses requests to work overtime, or who having agreed to work overtime but does not attend without good reason, may be liable for disciplinary action.

Overtime rate will be paid for hours worked in excess of the standard 39 hour week.

However time off in lieu will not be accrued for periods of time of less than 30 minutes. For example if an Employee is due to finish work at 4.30pm and they work until 4.45pm, TOIL will not be accrued. However if they work until 5pm or beyond, TOIL may begin to accrue after 5pm, once at least 30 minutes over normal time has been worked.

Employees who work less than the standard working hours must have worked 39 hours in the week before they become entitled to the overtime rate of time and a half.

12 Protection of Children and Vulnerable Adults

The Catholic Institute for Deaf People will discharge its responsibility to protect the dignity and welfare of children and vulnerable adults entrusted to its care and to support staff with responsibility for them through the following measures:

- Ensure insofar as is reasonably practical that sufficient resources are available to enable best practice standards of boarder/resident care to be delivered

- Provide safe systems of work to minimise the potential for abuse
- Provide information leaflets which set out how boarder, residents, relatives and members of the public can report concerns or complaints of abuse
- Rigorous application of recruitment and selection procedures to ensure that staff possess the required skills and attributes
- Provide induction for all new staff to ensure that they are aware of the standards of care expected from them
- Provide effective supervision, support and training for all staff so that they are aware of the standards of care expected from them and shortfalls in standards are dealt with promptly
- Communicate the Trust in Care Policy to all staff so that they are fully aware that the welfare of students, patients/clients is of paramount importance and know the action to be taken if abuse is suspected or alleged
- Manage allegations of abuse against staff members promptly and with due regard for the right of the staff member to fair procedures whilst safeguarding the welfare of students, patients/clients

CIDP has detailed policy documents which fulfils the above objectives and which is widely distributed to parents and staff.

13 Recruitment & Manning

13.1 Organisation Structure

Organisation structure charts show the hierarchy and approved posts that exist in each facility within the Catholic Institute for Deaf People. Each facility manager must agree the structure and posts with the Chief Executive Officer. Any changes to the structure and manning levels must be agreed with the Chief Executive Officer before recruitment to fill a post. The facility will be manned to fill the approved posts as agreed and shown on the organisation chart for the facility. If a post becomes vacant this should be viewed as an opportunity to review the structure and determine ongoing needs. Replacement recruitment should not be automatic and must be agreed with the Chief Executive Officer.

13.2 Post Description

Every post on the organisation chart must have a Post Description. The Post Description describe the overall aims and objectives of the post (the reason it exists), the duties and responsibilities and lists the key duties / tasks the post holder must carry out or behaviours they should demonstrate as the post holder. This is not intended to be an exhaustive list of the duties of the post. It is intended for the guidance of the person in the position.

The Post Holder is expected to work flexibly within their area of competence. Also, it gives information about the career background, education and training required by the Post Holder to be fully qualified and competent to hold the post. Every employee should have a copy of their Post Description. The post holder should fully understand its contents and must work to achieve its objective(s). Each year the post holder and their manager should review performance and agree individual targets and objectives that will contribute to the success of the facility in which they work and help meet the overall objectives of CIDP. Post holders should work with their Supervisor/Manager to ensure that their Post Description is kept up-to-date and that any change in their role is properly reflected in the post description.

13.3 Recruitment

CIDP will recruit to fill any vacancies for posts shown on the approved organisation chart. The Post Description will be used as the basis for selection of candidates. The candidate who best matches the requirements of the post as shown in the post description will be selected and employed subject to receipt of satisfactory references and clearance evidence. Vacancies will normally be advertised on the

internet or in newspapers. All existing employees will be informed of vacancies for posts as they arise. CIDP reserves the right to create new posts and appoint without advertising externally.

13.4 Eligibility to Work

The EEA (European Economic Area) consists of the EU member states together with Norway, Iceland and Liechtenstein. In general, non-EEA nationals (with the exception of Switzerland) must have a permit to work in Ireland. Non-EEA nationals must ensure that they have a current work permit which is valid for employment in the specific post with the Catholic Institute for Deaf People. If an employee requires renewal of their work permit they must notify their Manager at least three months before it expires and take the necessary steps to have it renewed. The Department of Enterprise, Trade and Employment have stated that it will take 2 to 3 months for a new application or renewal to be processed. CIDP is unable to employ anybody who does not have a current valid work permit and so if renewal of a work permit application is declined, the employee's employment with CIDP will be terminated with effect from the expiry date of the work permit.

13.5 Probationary Period

It is the policy of CIDP to use a probationary period at the commencement of employment in order to assess the suitability of newly appointed Employees, and to assist their integration into their role and CIDP. The period is used to ensure that the new hire is performing in their new role, and that they are settling into CIDP.

All new recruits will be on probation for the first six months of employment. The probationary period may be extended at CIDP's discretion, but will not, in any case, exceed 11 months. During this period the employee must demonstrate that they are willing and capable of meeting all the requirements of their post. Unsatisfactory performance, attendance or conduct during this period may will normally result in termination of their contract of employment.

Termination of Contract of Employment within the probationary period shall be at the discretion of CIDP and in the event of such a termination the employee will receive one week's notice in writing and not the normal notice period shown under the policy relating to Period of Notice. Alternatively CIDP reserves the right to make payment in lieu of notice. Termination of Contract of Employment may arise without application of the full rigours of the disciplinary process during probation.

If a probationary employee intends to resign from employment, during the probationary period they will be required to give CIDP one week's notice in writing.

14 Safety, Health and Welfare

Policy Statement

The Board and management of the Catholic Institute for Deaf People recognises their responsibility for the wellbeing including the Safety, Health and Welfare of its entire staff where ever they work. The Chief Executive Officer is responsible for the implementation of this policy through the existing supervisory structures.

In so far as is reasonably practicable the Catholic Institute for Deaf People will provide and maintain safe and healthy working conditions, equipment and systems of work for all staff and the public who are affected by its activities, as residents, students or users of their facilities.

Catholic Institute for Deaf People ensures that each unit or activity has in place a Safety Statement specific to its activities and based on a risk assessment of its activities as required by the Safety, Health and Welfare at Work Act.

All its staff have the obligation to advise management of any circumstance which might affect the safety, health or welfare of themselves, their colleagues, their students or the public.

In so far as is reasonably practicable, facilities accessible to the public will be maintained so as to minimise the hazards to the public associated with them.

The Chief Executive Officer reporting directly to the Board ensures that all aspects of the policy are in fact being implemented.

This policy will be kept up to date. To ensure this, the policy and the way in which it has operated will be reviewed every year.

Whereas each site specific Safety Statement will address the risk associated with the hazards of its activities this policy provides the core policies applicable to all activities.

The Catholic Institute for Deaf People is fully committed to complying with all applicable Health and Safety Legislation. To that end it will ensure that it is kept abreast with all current legislation, and that all units are kept informed of their legal obligations.

Specifically:

The Catholic Institute for Deaf People commits to ensuring that all work together to maintain a workplace environment that encourages and supports the right to dignity at work. All who work for the Catholic Institute for Deaf People are expected to respect the right of each individual to dignity in their working life. All will be treated equally and respected for their individuality and diversity. Bullying or harassment in any form is not accepted and will not be tolerated. The policies and procedures agreed within CIDP will underpin the principles and objectives of this policy.

All the activities of the Catholic Institute for Deaf People will be carried out to the best standards of safety performance in accordance with the following principles:

- All activities can be carried out in a safe way without risk of injury to staff, students and the public

- Management at all levels is responsible and accountable for the safety performance of activities under their control
- The Board of the Catholic Institute for Deaf People will endeavour to ensure that appropriate resources for the safety programme are available to each of its activities
- All staff whether management, supervisory, or otherwise must have regard to safety performance in all their activities
- All hazards which have the potential to cause injury or ill-health have to be assessed and the risks controlled. If a hazard cannot be eliminated effective safeguards and procedures must be provided and maintained
- Staff must be provided with all necessary training to carry out their activities in a way that avoids injury to themselves or others
- Safety training includes both skills on how to do their job safely and motivation to work safely
- Safety in the workplace will be regularly audited
- All deficiencies in the safety programme identified by the audit or otherwise are remedied promptly
- All legal requirements are fulfilled to the full

To ensure this the Board of the Catholic Institute for Deaf People will make arrangements that each place of work under its control has a Safety Statement to the requirements of Section 20 of the Safety Health and Welfare at Work Act 2005, based on the identification of the hazards and assessment of the risks as required by section 19 of the Act.

Each of these Safety Statements shall specify for the site or activity as required by the Act (extracts quoted below):

- The hazards identified and the risks assessed
- The protective and preventative measures taken and the resources provided for protecting safety, health and welfare at the place of work to which the safety statement relates
- The plans and procedures to be followed and the measures to be taken in the event of an emergency or serious and imminent danger, in compliance with sections 8 and 11 of the Act
- The duties of employees regarding safety, health and welfare at work, including cooperation with CIDP and any persons who have responsibility under the relevant statutory provisions in matters relating to safety, health and welfare at work
- The names and, where applicable, the job title or position held of each person responsible for performing tasks assigned to him or her pursuant to the safety statement, and
- The arrangements made regarding the appointment of safety representatives and consultation with, and participation by, employees and safety representatives, in compliance with sections 25 and 26 of the Act including the names of the safety representative and the members of the safety committee, if appointed

The management of each and activity shall bring the safety statement, in a form, manner and, as appropriate, language that is reasonably likely to be understood, to the attention of:

- His or her employees, at least annually and, at any other time, following its amendment in accordance with this section
- Newly recruited employees upon commencement of employment, and

- Other persons at the place of work who may be exposed to any specific risk to which the safety statement applies

Responsibilities of the Employee

It is the responsibility of all Employees to co-operate with Management in the implementation of health and safety initiatives in CIDP. Employees must be aware that they have a responsibility for the safety of their visitors while on site. Employees also have a specific responsibility for their own safety. Therefore, Employees are expected to discharge their work in a safe manner, so as to avoid injury to themselves or other Employees and customers, and to avoid damage to company equipment and property. Employees are required to report all accidents, dangerous occurrences, unsafe conditions and unsafe acts to their Manager.

The duties of an Employee under the Safety, Health and Welfare at Work Act, 2005 may be summarised as follows:

While at work an Employee must:

- comply with the relevant statutory provisions and take reasonable care to protect his/her safety, health and welfare and that of any person who may be affected by his/her acts or omissions at work;
- ensure that he/she is not under the influence of an intoxicant to the extent that he/she is in such a state as to endanger his/her own safety, health or welfare at work or that of any other person;
- co-operate with CIDP in order to enable CIDP to comply with the relevant statutory provisions as appropriate;
- not engage in improper conduct or behaviour that is likely to endanger his/her own safety, health and welfare at work or that of any other person;
- attend such training and assessment as may be reasonably required relating to safety, health and welfare at work, or relating to the work carried out by the Employee
- make correct use of any article or substance provided for use at work or for the protection of his/her safety, health and welfare at work, including protective clothing or equipment;
- report to Management:
 - any work being carried on, or likely to be carried on, in a manner which may endanger the safety, health and welfare at work of any person,
 - any defect in the place of work, the systems of work, any article or substance which might endanger the safety, health or welfare at work of any person, or
 - any contravention of the relevant statutory provisions which may endanger the safety, health and welfare at work of the Employee or that of any other person.
- Not misrepresent him/herself to CIDP with regard to the level of training they have received in respect of their position.

Procedure for Raising Concerns

An Employee who has any concerns with regard to this policy may raise the issue informally with their Manager or any other Manager. Where they do not receive a satisfactory response to their concerns, they may raise the issue through the grievance procedure.

15 Smoke Free

Purpose

Second-hand smoke, also known as Environmental Tobacco Smoke (ETS) or passive smoke is a cause of disease, including lung cancer and heart disease, in third parties. Neither the simple separation of smokers and non-smokers within the same air space, nor the provision of ventilation, can eliminate exposure to second-hand smoke and the consequent health effects of such exposure. This policy has been developed to protect all employees, service users, customers and visitors from exposure to second-hand smoke, to ensure compliance with legal obligations and to ensure a safe working environment.

Policy

It is the policy of Catholic Institute for Deaf People that the inside of all of its facilities is smoke-free, with the exception of designated smoking areas in the adult residence, and that all employees, residents, students and others who avail of the support and services of CIDP have a right to enjoy a smoke-free environment. Smoking is prohibited throughout facilities, residences and schools, except in designated smoking areas. This policy applies to all employees, residents, students, consultants, contractors, customers and visitors.

Implementation

Overall responsibility for policy implementation rests with the occupier, manager or other person, for the time being, in charge of the site. All staff, residents, students and others who avail of the support and services of CIDP has an obligation to adhere to, and facilitate the implementation of this policy.

The person in charge of each site shall inform all existing employees, residents, students, others who avail of the support and services of CIDP, consultants and contractors of the policy and their role in the implementation and monitoring of the policy. All new and prospective employees, residents, students, others who wish to avail of the support and services of CIDP, consultants and contractors shall be given a copy of the policy on recruitment/induction by the person in charge.

Policy Regarding Infringements

Infringements by staff will be dealt with, in the first instance, under the Disciplinary Procedure. Recurring infringements by residents, students and others who avail of the support and services are liable to result in expulsion. Employees, consultants, contractors, customers and visitors who contravene the law prohibiting smoking in the workplace are also liable to prosecution.

Smoking Cessation

Information on how to obtain help quitting smoking is available from the National Smokers' Quitline on callsave 1850 201203 or Local Health Boards.

16 Working Time Act

CIDP fully complies with the Organisation of Working Time Act which sets out statutory rights for employees in respect of rest, maximum working time and holidays. The Policies and Procedures of CIDP

give details of the various employee entitlements. These include the following rest and maximum working time entitlements.

16.1 Maximum Weekly Working Time

The legislation limits the maximum average working week to 48 hours. Weekly working time can be averaged out over a four, six or up to 12 month reference period depending on the circumstances. Maximum Night Working Time for night workers is 48 hours per week averaged over 2 months.

16.2 Rest Periods

Every employee has a general entitlement to:

- 11 hours daily rest per 24 hour period
- One period of 24 hours rest per week preceded by a daily rest period (11 hours)
- Rest breaks – 15 minutes where up to 4.5 hours have been worked, 30 minutes where up to 6 hours have been worked which may include the first break
- In each period of 7 days you will be entitled to a rest period of at least 24 consecutive hours. This rest period must be immediately preceded by a daily rest period.

16.3 Definitions, exceptions & other features of the Working Time Act

16.3.1 Night Workers

The Act defines “night time” as the period between midnight and 7 a.m. the following day. Night workers are employees who normally work at least 3 hours of their daily working time during night time and the annual number of hours worked at night equals or exceeds 50% of annual working time.

16.3.2 Working Time

Working Time is net working time, i.e., exclusive of breaks, on call or stand-by time.

16.3.3 Exceptional or Unforeseeable Circumstances

The Act permits exemption from the rest provisions due to exceptional circumstances or an emergency (including an accident or the imminent risk of an accident) the consequences of which could not have been avoided despite the exercise of all due care, or, due to the occurrence of unusual and unforeseeable circumstances beyond CIDP's control, it would not be practicable for CIDP to comply with the provision concerned.

16.3.4 Compensatory Rest

All exemptions are subject to equivalent compensatory rest being made available to employees. In these circumstances rest may be postponed temporarily and taken within an adjacent timeframe. This ensures that although CIDP may operate a flexible system of working, employees will not lose out on rest.

16.4 Holidays

Details of holiday entitlement which comply with Organisation of Working Time Act are contained in the policy relating to holidays under Section 10 of this manual.

16.4.1 Public Holidays

The Organisation of Working Time Act provides for provision of nine public holidays. These are specified under Section 10 of this manual. In respect of each public holiday, an employee is entitled to either:

- a) A paid day off on the holiday or
- b) A paid day off within a month or
- c) An extra day's annual leave or
- d) An extra day's pay

Or as CIDP may decide.

If the public holiday falls on a day on which the employee normally works, the employee is entitled to a paid day off for the day.

If the public holiday falls on a day on which the employee does not normally work, the employee is entitled to one fifth of his/her normal weekly wage for the day or either (b) or (c) above as CIDP may decide.

If the employee is asked to work on the public holiday, the employee is entitled to (b) (c) or (d) above as CIDP may decide.

There is no service requirement in respect of public holidays for whole time employees. Part time employees qualify for public holidays entitlement provided they have worked at least 40 hours during the five weeks ending on the day before a public holiday.

(Note this Act refers to "public holidays" not "bank holidays". Not every official bank holiday is a public holiday though in practice most of them coincide).

Should an Employee have a query in relation to their working hours, breaks or rest periods, or where they have been unable to avail of same, this should be brought to the attention of their Manager, or raised through CIDP grievance procedure.

16.5 Sunday Premium

The Act specifies that employees who work on Sundays are entitled to a Sunday Premium. CIDP pays a premium of 100% of normal hourly rate in addition to normal pay for hours worked on Sunday.

17 Protected Disclosures (Whistleblowing) Policy

Purpose

The purpose of the policy is to outline the responsibilities under the Protected Disclosures Act 2014 and subsequent amendments and to demonstrate our commitment to observing and maintaining the highest standards of honesty, openness and accountability in all of our practices. Our Protected Disclosures policy is intended to encourage and enable Workers to raise, rather than overlook, genuine concerns or disclose information related to potential wrongdoing as outlined within this policy, within our workplace without fear of penalisation or threat of less favourable treatment, discrimination or disadvantage.

All individuals are encouraged to be familiar with this policy and to feel confident to disclose any genuine concerns internally, at the earliest possible stage.

Any Worker who raises a concern in line with this policy is legally protected from penalisation and / or unfavourable treatment.

Scope

These procedures are in addition to the CIDP's complaints procedures and other statutory reporting procedures applying to some services e.g. residences. CIDP is responsible for making service users aware of the existence of these procedures.

These may include:

The Protection for Person's Reporting Child Abuse Act, 1998 provides immunity from civil liability to any person who reports child abuse 'reasonably and in good faith' to designated officers of health boards or any member of An Garda Síochána. It also provides significant protection for employees who report child abuse covering all forms of discrimination up to, and including, dismissal.

The Health Act, 2007 makes provision for protected disclosure of information by an employee of a relevant body. See Part 14 Section 103.

This policy has been discussed with the relevant trade unions and has their support.

This policy applies to all Workers within CIDP, including Employees, Volunteers, Consultants, Contractors, Trainees, Agency Workers, Interns and those on work experience.

This policy is not appropriate for dealing with issues of harassment, sexual harassment, bullying or individual grievances which may relate to dissatisfaction with workplace relationships, the work environment or a term or condition of employment. Such matters should be addressed through the appropriate procedures as set out by CIDP.

In general where a Protected Disclosure is made during an investigation, disciplinary or other process, this should not affect these distinct processes, except where the investigation, disciplinary or other action represents, in essence, a form of penalisation for making a Protected Disclosure.

Policy

What is a Protected Disclosure'?

A Protected Disclosure is the term used when a Worker raises a concern about a relevant wrongdoing such as possible fraud, crime, danger or failure to comply with any legal obligation which came to the Worker's attention in connection with the Worker's employment. 'Relevant wrongdoings' are broadly defined in the Act and include the following:

- That an offence has been, is being or is likely to be committed;

- That a person has failed, is failing or is likely to fail to comply with any legal obligation, other than one arising under the individual's contract of employment or other contract whereby the individual undertakes to do or perform personally any work or services;
- That a miscarriage of justice has occurred, is occurring or is likely to occur;
- That the health and safety of any individual has been, is being or is likely to be endangered;
- That the environment has been, is being or is likely to be damaged;
- That an unlawful or otherwise improper use of funds or resources of a public body, or of other public money, has occurred, is occurring or is likely to occur;
- That an act or omission by or on behalf of a public body is oppressive, discriminatory or grossly negligent or constitutes gross mismanagement; or
- That information tending to show any matter falling within any of the points above has been, is being or is likely to be concealed or destroyed.

Any serious concerns that you have about any aspect of service provision or the conduct of staff, officers or members of CIDP or others acting on behalf of CIDP can be reported under the Whistleblowing Policy. This may be about something that:

Makes you feel uncomfortable in terms of known standards, your experience or the standards you believe CIDP subscribes to

- Is against CIDP's policies and procedures
- Falls below CIDP's policies and procedures
- Amounts to improper conduct

It is not regarded to be a relevant wrongdoing where a matter is a function of the Worker or the Workers Employer to detect, investigate, or prosecute and does not consist of or involve an act or omission on the part of the Employer.

What is meant by a Reasonable Belief?

Although a Worker is not expected to prove the truth of the facts in a disclosure, they must have a 'reasonable belief' that there are grounds for their concern when making a disclosure using the internal procedure. A reasonable belief means that the belief is based on reasonable grounds. This does not mean the belief has to be correct. The individual should also not have unlawful and / or unethical objectives in reporting a concern.

If an individual is uncertain as to whether a concern is a Protected Disclosure within the scope of this policy, he / she should seek guidance from their Manager or the Chairperson of the Board as the Protected Disclosures Officer.

Procedure for Raising a Concern

Workers are not required or entitled to investigate matters themselves to find proof of their suspicion(s) and should not endeavour to do so. Workers should disclose the information that they have based on a reasonable belief that it discloses a wrongdoing.

This procedure enables all Workers to raise any genuine concern(s) relating to CIDP in the correct way and at an early stage in the confidence that he / she will not be penalised or suffer detriment for having done so.

In situations where a Worker makes a disclosure not in compliance with the Act, the protection of the Act does not apply.

Raising a Concern Internally

In the first instance, a Worker is encouraged to raise any concern(s) to their Manager.

However, should the Worker feel that it is not appropriate or feel uncomfortable disclosing such information to their Manager, the Worker should raise any concern(s) to a more Senior Manager or the Protected Disclosure Officer and confirm that a Protected Disclosure is being made in accordance with this policy.

Concerns may be raised verbally or in writing. Should a Worker raise a concern verbally a written record of the conversation will be kept and a copy provided to the Worker.

The disclosure should state:

- That the disclosure is being made under this procedure;
- The discloser's name, position in CIDP, place of work, and confidential contact details;
- The name of the person(s), body or otherwise alleged involved;
- A description of the 'relevant wrongdoing';
- Information in respect of the alleged wrongdoing – what is occurring / has occurred, and how including dates/times and locations so as to assist the investigation of the matters raised in the disclosure;
- Whether or not the alleged 'wrongdoing' is still ongoing;
- Whether the alleged wrongdoing has already been disclosed, and if so, to whom, when and what action was taken;
- Any other relevant information.

Confidentiality

CIDP is committed to taking all reasonable steps to protect the identity of the Worker making a disclosure and to ensure that relevant disclosures are treated in confidence. Workers who are concerned that their identity is not being protected should notify the Protected Disclosures Officer. Such notifications will be assessed and appropriate action taken as necessary. However, there are circumstances, as outlined in the Protected Disclosures Act 2014, where confidentiality cannot be maintained. This may include instances in which:

- The disclosure recipient shows that he / she took all reasonable steps to avoid such identity disclosure;
- The Worker has made it clear that he/she has no objection to his / her identity being disclosed;

- The identity of the person making the disclosure is critical to 1) an investigation of the matter raised, 2) to prevent serious risk to the security of the state, public health, public safety or the environment or 3) the prevention of crime or the prosecution of a criminal offence;
- Where the disclosure is otherwise in the public interest or otherwise required by law.

Should such a situation arise, CIDP will make every effort to inform the Worker that his/her identity may be disclosed.

Where action is to be taken following a disclosure, except in exceptional cases, the disclosure recipient, should contact the discloser and where possible, gain the informed consent of the discloser, prior to any action being taken that could identify them. Where it is decided it is necessary to disclose information that may or will disclose the identity of the discloser, the discloser should be informed of this decision, except in exceptional cases. The discloser may request a review of this decision and a review should be carried out where applicable.

All Workers involved in the process must respect the need for confidentiality. A failure to do so may represent a serious disciplinary offence, up to and including dismissal or other action.

Where a Worker seeks advice from a trade union, solicitor or barrister, this discussion is treated as a Protected Disclosure, including at early stages in contemplation of making a disclosure or seeking information on the operation of the legislation.

Raising a Concern Anonymously

A concern(s) may be raised anonymously. However on a practical level it may be difficult to investigate such a concern(s). CIDP encourages all Workers to put their names to allegations, with our assurance of confidentiality where possible, in order to facilitate appropriate follow-up. This will make it easier for CIDP to assess the disclosure and take appropriate action, including an investigation if necessary.

How CIDP will deal with a Concern

In the event of a concern being raised, CIDP will arrange a meeting with the Worker to discuss the matter on a strictly confidential basis. The meeting will be conducted by an independent member of Management or external assistance may be necessary in some circumstances so as to ensure impartiality, objectivity and fairness. A Worker is permitted to have a representative present (colleague or Trade Union representative).

The Worker will be advised of any supports that may be available at this time.

CIDP will clarify at this point if the concern is appropriate to this policy or is a matter more appropriate to our other policies, for example our Grievance or Dignity in the Workplace policies.

Having met with a Worker in regard to concerns raised and clarified that the matter is in fact appropriate to this policy, the concerns raised may be subject to an initial examination by a designated

independent member of management or other appropriate person, with a view to determining an appropriate course of action. This may involve simply clarifying certain matters, clearing up misunderstandings or resolving the matter by agreed action without the need for an investigation.

Should this approach be deemed inappropriate or inconclusive or where deemed appropriate, matters raised in the disclosure may:

- Be investigated internally by an appropriate independent member of management or other appropriate person;
- Be referred to an external enforcement agency or regulator;
- Be referred to An Garda Síochána.

Where an internal investigation takes place, this will be governed by the terms of reference which will detail the likely time frame for its completion (an indicative timeframe will be outlined) and the scope of the investigation.

Any Worker making a Protected Disclosure or any Worker against whom a concern has been made is entitled to be accompanied by a representative (colleague or trade union representative). The investigation will be conducted thoroughly, objectively and with sensitivity. Utmost confidentiality will be protected in so far as it is reasonably practicable.

Where possible or appropriate, CIDP will keep the Worker who made the disclosure informed of actions taken. Such information should be treated as confidential. Sometimes the need for confidentiality may prevent CIDP however from giving specific details of any steps, including the outcome of any investigation or sanctions taken as a result.

Internal Investigation Outcomes

Every reported issue will be taken seriously. Appropriate action will be taken based on the outcome of any actions or investigation undertaken.

Measures will be taken against a Worker where an investigation finds sufficient evidence to conclude that the concern(s) raised by the discloser was justified. This may include formal disciplinary action, or other appropriate sanction or intervention deemed necessary to prevent a recurrence of the 'relevant wrongdoing'. Prior to any disciplinary action being taken, a fair disciplinary hearing will be held in line with CIDP disciplinary procedure.

Where an investigation is inconclusive or the concern is not upheld, there will be no negative inference against any party to the concern raised. All parties to the disclosure(s) will be expected to continue working as normal, and to conduct themselves in an appropriate manner at work.

A Worker is not expected to prove the truth of any concern raised. However, the Worker must have a reasonable belief that there are grounds for their concern. A deliberate false disclosure will not be protected and could leave him / her open to disciplinary action or other appropriate action in that

regard. Prior to any disciplinary action being taken, a fair disciplinary hearing will be held in line with CIDP disciplinary procedure.

Safeguards and Protection

Any penalisation of a Worker who makes a Protected Disclosure is in breach of the Act and will not be tolerated by CIDP. CIDP disciplinary procedure or other appropriate action will be invoked against any Worker who engages in penalisation or threatened penalisation of a Worker in line with this policy.

No Worker engaging in the procedures outlined here will be penalised or subject to unfavourable treatment for their role in the process, whether they are making a Protected Disclosure, supporting a disclosure, giving evidence in proceedings or giving notice of any intention to do any of the foregoing. Penalisation means any act or omission that affects a Worker to the individual's detriment and may include suspension, lay-off, dismissal, demotion, loss of opportunity for promotion, transfer of duties, change of location of place of work, reduction in wages, change in working hours, the imposition or administering of any discipline, reprimand or other penalty (including a financial penalty), unfair treatment, coercion, intimidation, harassment, discrimination, disadvantage, unfair treatment, injury, damage, loss or threat of reprisal.

Each Worker is also responsible for not causing detriment to another person because the other person or a third person has made a protected disclosure. A detriment in this context includes coercion, intimidation, harassment, discrimination, disadvantage, adverse treatment in relation to employment (or prospective employment), injury, damage, loss or threat of reprisal. This list is non-exhaustive.

Any such conduct may, depending on the seriousness of the issue, be deemed gross misconduct by CIDP and may result in summary dismissal or other appropriate action.

A Worker who believes that they have suffered any such treatment should inform their Manager, Senior Manager or the Protected Disclosures Officer immediately. If the matter is not remedied a Worker should raise it formally using CIDP Grievance Procedure.

Other Channels – Raising Concerns Outside Of the Workplace

Raising Concerns Externally

The aim of this policy is to provide an internal avenue within the workplace in which a concern(s) or in regard to a 'relevant wrongdoing' can be raised. CIDP is confident that such concerns can be dealt with internally in an appropriate and timely manner and strongly encourages all Workers to report such concerns internally.

However, it is recognised that in some limited circumstances it may not always be appropriate to report any genuine concerns internally and that it may be necessary to raise a concern(s) externally. The Protected Disclosures Act 2014 provides for a number of avenues in this regard. Please see section 'Disclosure outside of the Employer' for this detail.

It is important to note however, that the evidential criteria for making an external disclosure is set at a higher level than that applying to raising a concern(s) internally. While a Worker need only have a reasonable belief as to wrongdoing to make a disclosure internally, if a Worker is considering an external disclosure, different and potentially more onerous obligations apply, depending on to whom the disclosure is made.

Responsibilities

Overall responsibilities for Procedures should rest with the CIDP Board

Management will endeavour to ensure that this policy is communicated to all Workers and will ensure that the policy is reviewed periodically and maintained and updated in line with legislative changes and any amendments to the relevant Code of Practice. Where required, measures will be taken to ensure the accessibility of policies and procedures for all Workers.

All Workers are expected to comply with this policy and to raise issues of concern through the procedures outlined in the policy.

Protected Disclosures Officer

Mary Stringer
0876877302 (call or text)
mary@cidp.ie

Disclosure outside of the Employer

Workers are encouraged, enabled and supported to raise disclosures internally in the first instance.

The 2014 Act allows a Worker to make a Protected Disclosure to persons other than their Employer in certain circumstances. Different requirements need to be met in different cases, as set out below.

1. Other Responsible Person

Where the Worker reasonably believes that the ‘relevant wrongdoing’ relates solely or mainly to the conduct of a person other than the Worker’s Employer, or to something for which that other person has legal responsibility, then the Worker can make the disclosure to that other person.

2. A Prescribed Person

Certain external persons are prescribed by Statutory Instrument 339 of 2014 (“SI 339”) to receive Protected Disclosures (“prescribed persons”). This includes the heads or senior officials of a range of statutory bodies.

If you would like to see a list of external persons, please contact HR.

A Protected Disclosure is made in the manner specified in this section if the Worker:

- (a) makes the disclosure to a person prescribed in the link provided above and,
- (b) reasonably believes that:

- (i) that the relevant wrongdoing falls within the description of matters in respect of which the person is prescribed in the link provided for;
- (ii) that the information disclosed, and any allegation contained in it, are substantially true.

3. A Minister of the Government

A disclosure is made in the manner specified in this section if

- (a) the Worker is or was employed in a public body, and;
- (b) the disclosure is made to a Minister on whom any function relating to the public body is conferred or imposed by or under any enactment.

4. A Legal Advisor

A disclosure is made in the manner specified in this section if it is made by the Worker in the course of obtaining legal advice (including advice relating to the operation of this Act) from a barrister, solicitor, trade union official or official of an excepted body (within the meaning of Section 6 of the Trade Union Act 1941).

5. Alternative External Disclosure (in very limited circumstances)

It is preferable in most circumstances for a Worker to disclose to their Employer, and, if that is not appropriate, to use one of the options at (1.) to (4.) above. It will rarely be appropriate to make alternative external disclosures where the disclosure could be dealt with through one of the other disclosure options above. There are stringent requirements for alternative external disclosures to qualify as Protected Disclosures under the 2014 Act.

The protections will only be available if the following conditions are met:

- The Worker must reasonably believe that the information disclosed, and any allegation contained in it, are substantially true,
- The disclosure is not made for personal gain,
- At least one of the following conditions at (i) to (iv) are met:
 - i. At the time the Worker makes the disclosure, the Worker reasonably believes that they he/she will be subjected to penalisation by the Workers Employer if he / she makes the disclosure to the Employer, other Responsible Person, a Prescribed Person, or a Minister; or
 - ii. In a case where no relevant Prescribed Person is prescribed in relation to the relevant wrongdoing, the Worker reasonably believes that it is likely that evidence relating to the relevant wrongdoing will be concealed or destroyed if the Worker makes the disclosure to the Employer, or responsible person; or
 - iii. The Worker has previously made a disclosure of substantially the same information to their Employer or other Responsible Person or a Prescribed Person or a Minister; or
 - iv. That the relevant wrongdoing is of an exceptionally serious nature;

AND

- In all the circumstances of the case, it is reasonable for the Worker to make the disclosure.

In determining whether it is reasonable for the Worker to make the disclosure regard shall be had, in particular, to:

- a) the identity of the person to whom the disclosure is made,
- b) the seriousness of the relevant wrongdoing,
- c) whether the relevant wrongdoing is continuing or is likely to occur in the future,
- d) whether any action had been taken in cases where a previous disclosure was made and whether the Worker complied with any procedures in place when making that previous disclosure.

CCTV

1.0 Introduction

The monitoring, recording, holding and processing of images of identifiable individuals constitutes personal data as defined by the Data Protection Act 1998-2003 ("the Act").

This is intended to ensure that in its use of Closed Circuit Television (CCTV), is fully compliant with the requirements of the Act, with related legislation and with associated regulations as issued by the Data Protection Commissioner.

2.0 Definitions

- 3.1 *Data Protection*: The means by which the privacy rights of residents are safeguarded in relation to the processing of their personal data. The Data Protection Acts 1988 and 2003 confer rights on residents as well as placing responsibilities on those persons processing personal data.

3.0 Responsibilities

- 3.1 Care Manager: the Care Managers are the data protection officers of St. Joseph's House, St Mary's and St Joseph's Boarding Campus's designated as having responsibility for the CCTV system and its operation. The CCTV systems, all recorded material and copyright is owned by CIDP.
- 3.2 Director of Care and Care Managers: To ensure all staff are adhering to the policy and procedure.

4.0 Data Protection Acts 1998 and 2003

- 4.1 CIDP will comply with the eight principles contained in the Data Protection Act 1998, any associated legislation and any future changes of legislation. The principles are:

- All personal data will be obtained and processed fairly and lawfully.
- Personal data will be held only for the purpose(s) specified.
- Personal data will be used only for the purpose(s) and disclosed only to the individuals referred to within this Code of Practice.
- Only personal data will be held which is adequate, relevant and not excessive in relation to the purpose for which the data are held.
- Steps will be taken to ensure that the personal data is accurate and where necessary kept up to date.
- Personal data will be held for no longer than is necessary.
- Individuals will be allowed to access information held about them and, where appropriate, be permitted to correct or erase it.
- Procedures will be implemented to put in place security measures to prevent unauthorised or accidental access to, alteration, disclosure, or loss and destruction of, information.

5.0 The Code's principles

The following principles will govern the operation of the CCTV systems:

- 5.1 The CCTV Systems will be operated fairly and lawfully and only for the purposes authorised by CIDP.
- 5.2 The CCTV Systems will be operated with due regard for the privacy of individuals.
- 5.3 Any changes to the purposes for which the CCTV Systems are operated will be published in advance of any changes being implemented.

6.0 Purposes for CCTV

6.1 CCTV has been installed internally and externally for the following purposes:

- Safety of residents, employees, visitors and members of the public who are on St. Joseph's House, St Joseph's and St Mary's Boarding Campus property.
- Accurate logging and recording of any incidents that may give rise to health and safety issues
- To deter any inappropriate behaviour which may lead to employee discipline and performance concerns
- Crime prevention and enhancing security of the building and its associated equipment

7.0 Signage

Notices will be placed in prominent locations throughout the three residences indicating that CCTV cameras are in use.

Cameras are located in the following areas;

St Joseph's House:

- Sunshine TV room
- Entrance to hall
- Main hall
- Kitchen corridor
- Dining room
- Conservatory
- Riverside Corridor facing down to fire exit
- Riverside corridor from fire exit
- Riverside TV room
- Link corridor to Kinsella/Woodlands
- Entrance to woodlands
- Woodlands corridor
- Woodlands kitchen
- Woodlands TV room
- Lift corridor downstairs
- Downstairs bedrooms 18-21
- Downstairs bedrooms 19-21
- Backstairs sunshine
- Outside sluice room
- Upstairs bedroom 12/13

- Upstairs bedroom 14/15/16
- Lift upstairs
- Corridor to Director of Care office
- Top of main stairs
- Upstairs room 10/11
- Upstairs corridor from room 8-3
- Bedroom 3 & 4 upstairs
- Hall to church *(not working)
- Bedroom 1 & 2 downstairs
- Nurse station corridor
- Back yard kitchen/ laundry
- Computer room
- Corridor to Kinsella
- Kinsella
- Woodlands bedrooms 7 & 8
- Woodlands linen room
- Smoking room

St Joseph's Boarding Campus:

- Hallways
- Outside main door
- At main gate

St Mary's Boarding Campus:

- Hallways

7.1 Cameras have been installed in such a manner as not to overlook private areas inside or outside all St Joseph's House, St Mary's and St Joseph's Boarding Campus boundaries.

8.0 Processing Data

10.1 This is done strictly in accordance with the Act. Access to, and disclosure of images is restricted and carefully controlled to safeguard the rights of individuals and ensure that evidence remains intact, should the images be required for evidential purposes.

Information obtained through video monitoring may only be released when authorised by;

Geraldine Gallagher, Director of Care St Joseph's House

Ashling Donegan, Care Manager St Joseph's Boarding Campus

Maeve O'Sullivan, Care Manager St Mary's Boarding Campus

9.0 Retention – use of recorded material

Recorded material will not be kept for longer than the purpose for which it is being retained.

- 9.1 Still photographs will be generated from recordings made by the system only where these are required for evidential purposes by CIDP, the Gardai or other bodies with prosecuting powers. No copies will be made for any other purpose.
- 9.2 Unless required to do so by a court of law, recordings made by the system and/or still images generated from such recordings will not normally be made available by CIDP to individuals wishing to use them as evidence in civil litigation.
- 9.3 CIDP reserves the right to use a recording made by the system and/or still images generated from such recording in any civil prosecution brought by CIDP.
- 9.4 Where appropriate, the Gardai may be asked to investigate any matter recorded by the CCTV System which appears to indicate staff involvement and is deemed to be of a potential criminal nature.
- 9.5 CIDP may use a recording for the purposes of staff disciplinary investigations and/or hearings. Such material will only be authorised for use in possible staff disciplinary hearings following approval from the Director of Care/Care Managers.
- 9.6 CIDP may use a recording for the purposes of investigating a complaint from a resident.

10.0 Disclosure of data

- 12.1 The Data Protection Act 1998-2003 will be strictly adhered to in handling request for disclosure of personal data. Requests under the Act must be made to the Director of Care and Care Managers who will consult as necessary with the Data Protection Officer.

11.0 Requests by a data subject

- 13.1 Individuals have the right to access their personal data, which includes images captured by CCTV systems. The data subject will be asked whether they would be satisfied with viewing the images recorded but if they wish to have copies of their personal data then any such request should be made to the Director of Care/Care Managers and submitted with the following:
 - 13.2 In the case of requests made by the general public:
 - a completed subject access form which gives details of the dates and time when they visited the house and their location e.g. the specific area or building
 - two photographs of the data subject – one full face one side view with the completed form
 - proof of the data subject's identity e.g. a utility bill, a driving licence or a passport.
 - A cheque (made payable to CIDP) or cash to the sum of €6.25 for which a receipt will be issued at the time the form is received.
 - 13.3 In the case of requests made by employees or residents:
 - a completed subject access form which gives details of the dates and time when they were in the residences and their location e.g. the specific area or building
 - A cheque (made payable to CIDP) or cash to the sum of €6.25 for which a receipt will be issued at the time the form is received.
 - 13.4 CIDP is not obliged to comply with the request unless it is supplied with the required documentation, is satisfied as to the identity of the data subject and can locate the personal data which the subject is seeking.

13.5 Where CIDP cannot comply with the request without disclosing the image of another identifiable individual it is not obliged to do so unless:

- The other individual has consented to the disclosure of the information to the person making the request, or
- It is reasonable in all the circumstances to comply with the request without the consent of the other individual.

13.6 A written decision on the request will be sent to the data subject within 21 days and if access to the images is to be provided, such access will be given within 40 days of CIDP receiving the request or if later, the date when CIDP receives the complete set of documentation and the required fee from the data subject.

12.0 Requests from third parties

14.1 Requests from third parties e.g. law enforcement agencies to view personal data captured by the CCTV system are likely to be made for any one or more of the following purposes.

- providing evidence to assist in criminal proceedings
- providing evidence for civil proceedings or tribunals
- the investigation and detection of crime
- identification of witnesses
- illegal or unauthorised activity

14.2 Third parties who should be required to show adequate grounds for disclosure of data within the above criteria, may include, but are not limited to:

- Gardaí
- Statutory authorities with powers to prosecute
- Solicitors
- Plaintiffs in civil proceedings
- Accusing persons or defendants in criminal proceedings.

14.3 Requests for information must be submitted to the Director of Care/Care Managers. Gardaí and other authorities' requests must be accompanied by their relevant Data Protection form duly signed by the appropriate authority, while other third parties will be required to submit their requests on headed notepaper. All those seeking disclosure should give:

- the authority under which the request is made
- reasonable proof of the requester's personal identity and organisational affiliation e.g. Gardaí will be expected to quote their identification numbers and/or produce their warrant cards
- details of the nature of the personal data requested and the purpose for which it is being requested
- the relevant Data Protection Act exemption or other legislation which authorises St. Joseph's House to release the information
- a warranty that it will be held and processed in conformity with the Data Protection Act Principles

14.4 The Director of Care/Care Managers will ensure: -

- No undue obstruction of any third party investigation to verify existence of data

- The retention of data which may be relevant to a request
- The request is responded to within 20 working days

13.0 Security Control Room/Security Offices

13.1 CCTV images will be monitored and captured in the Director of Care/Care Manager's Office.

13.2 Access to the monitoring and recording facility will be prohibited except for lawful, proper and sufficient reasons (e.g. official visitors from law enforcement or inspection agencies, security staff and senior management and cleaning staff) and only then with the personal authority (verbal or written) of the Director of Care/Care Managers.

13.3 Regardless of their status, all persons visiting the control room with the purpose of viewing recorded data will be required to sign the Visitor's book and a declaration of confidentiality.

13.4 Any other personnel admitted to the Control Room, such as cleaning staff or engineers effecting repairs, must be authorised by the Director of Care/Care Manager's deputy (verbally or written) and will be supervised at all times whilst they are in the office.

14.0 Major incidents

16.1 In the event of a major incident, such as bomb threats, explosions, serious fires, terrorism and/or serious public disorder, Gardai will be authorised to access the CCTV Control Room and make use of CCTV facilities. Such action will be agreed and authorised by the Director of Care/Care Managers.

15.0 Complaints

15.1 The Director of Care/Care Managers are responsible for the operation of the CCTV system and in the first instance, for ensuring compliance with the Code of Practice.

15.2 Any use of the CCTV system or recorded data that is not in compliance with the regulations and is inconsistent with the objectives of the system will be considered to be in breach of CIDP policy. If any breach of this kind constitutes an offence under criminal or civil law then court proceedings may be commenced.

15.3 Persons found misusing the system may be subject to CIDP disciplinary procedures. Complaints regarding misuse of the CCTV system will be treated seriously and dealt with in accordance with CIDP Complaints procedures.

15.4 Any concerns in respect of the system's use or regarding compliance with this policy should be addressed to the Director of Care/Care Managers, in the first instance who will provide a written acknowledgement within seven working days.

16.0 Audit and Evaluation

16.1 This policy will be kept under continuous review. Any questions about its interpretation or operation should be referred to the Director of Care/Care Managers.

17.0 References

Data Protection Act 1988 , Number 25 of 2003, Dublin - Iris Oifigiúil.

Data Protection (Amendment) Act 2003 , Number 6 of 2003, Dublin, Iris Oifigiúil.

17.12 Appendix A

National Care Standards – Whistleblowing Residential Settings for Older People (HIQA)

Standard 8.3

There is a policy and procedures on ‘whistleblowing’ and protected disclosure. Staff are aware of who they report concerns to and can do so without fear of adverse consequences to themselves.

Guidance for the Provision of Residential Services for Young People with Disabilities (HSE)

Standard 5.3.12

The residential services should have a policy which supports a culture and ethos of safeguarding whistleblowing practice to comply with the Protection for Persons Reporting Child Abuse Act (1998) and the Health Act (2004).

Standard 5.3.13

Staff members should be encouraged and facilitated to question and, where appropriate, express concern about attitudes and practices of colleagues. The procedures should outline the process for staff to report concerns to someone within and outside the service in the event that they feel unheard. This should be done in compliance with the policy and ensure the protection of staff who highlight perceived inadequacies within the system.

17.13 Appendix B

**Catholic Institute for Deaf People
Whistleblowing Policy Report Form**

NAME OF SERVICE: _____

WHAT CONCERN(S) DO YOU WISH TO RAISE?

(In your own words describe your concern(s), include date(s), time(s), persons involved, including any witnesses, location, the length of time you have been concerned.)

WHY ARE YOU CONCERNED ABOUT THE ISSUE(S)?

HAVE YOU DISCUSSED THE ISSUE(S) WITH ANYONE ELSE? YES/NO

IF SO, who with _____ WHEN (date) _____

WHAT WAS THE OUTCOME OF THIS PREVIOUS DISCUSSION?

SIGNED _____ DATE _____

On Completion This Form Should Be Sent To Your Line Manager, the Nominated Person in Your Service or the Chief Executive Officer in a Sealed Envelope Marked 'Private and Confidential. In the event that your concern is about the Chief Executive Officer to The Chairperson of the CIDP Board

Signed:

Dated:

I acknowledge that I have read and understood the Employee Handbook and its contents.

I also understand that the Company may revise, supplement or rescind policies, procedures or benefits described in the manual, with or without notice.

Print Name _____

Signature _____

Date _____