



**Cork  
Counselling  
Services**  
Est. 1982

## **Employee Handbook**

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## **1. Introduction**

### **1.1 Cork Counselling Services CLG (CCS)**

Cork Counselling Services CLG (CCS) is a company limited by guarantee and governed by a Company Board. The company was registered in 1985 (Company Registration 110910) and granted charitable status in 1989 (Charity Number CHY8911). It is a social enterprise, registered with the Charities Regulator (20022327). It is registered as an employer with Revenue (4656395V).

CCS provides trusted therapy and professional training services to the South of Ireland. It was one of the first centres in the country to provide a professional counselling service to members of the community regardless of their financial means, religious beliefs, race, ethnicity, sexual orientation or educational background. From its foundation the counselling services were in demand, and in 1989 it was granted charitable status.

Out of this history Cork Counselling Services Training Institute was born. The early training programmes of CCSTI included a two-year Certificate programme in basic counselling and communication skills, and a full-time internship in counselling. In the 1990s The Institute began to work with the Irish Association for Counselling and Psychotherapy (IACP) and developed its own Diploma course in Counselling. This Diploma course was one of the first to receive IACP Course Recognition in 1996. Over time, interest in the programme flourished. Consequently, the Institute expanded its training into the comprehensive range of courses in counselling and psychotherapy that we offer today. It has recently run both full degree and top-up degree programmes in collaboration with Coventry University. Other developments have seen the Institute design the format for practice hour placements so that students have the option of completing their practice hours by placement at CCS or at placements around the country. This has provided ease of access to students who travel long distances to training. The Institute is also running a two-year certificate programme for qualified counsellors who wish to become trainers.

### **1.2 Welcome**

A very warm welcome to you as an employee of our organisation. We hope our work together will be fruitful and enjoyable. This is a small organisation in terms of staff numbers but a large one in terms of impact. It is hoped that all employees will be facilitated in the shaping of their working time to best suit their own needs as well as the needs of the organisation and its clients. We expect all employees to carry out their duties in a professional, efficient manner

and we are committed to ensuring that all the necessary supports are in place to facilitate them. However, with the best intentions, problems may arise which need to be resolved. Employees' entitlements under employment legislation, and regulations will at all times be complied with as a minimum standard, while we strive to attain best practice standards.

All new employees will be given a copy of this Employee Handbook with their Contract of Employment. It will also be available at any time from management, if you ever need to revert to it. This Handbook may change from time to time, to comply with changes in Employment Law, EU Directives or other factors necessitating change.

We hope this Employee Handbook will provide all new and existing members of the team with clarity regarding their roles and responsibilities, our expectations around your behaviour and also provide information on policies and procedures to all employees.

Each employee should familiarise themselves with the contents of this Employee Handbook and any relevant health and safety legislation so that they can understand how it applies to them, paying particular attention to sections relevant to their role. Further sources of information on policies, procedures and terms and conditions of employment are always available from management and in letters, which will be issued to all employees at the time of any change, and in the Safety Statement which you must also read and follow at all times.

This handbook forms part of your terms and conditions of employment with Cork Counselling Services. You are bound to comply with the policies set out in it and any failure to do so may result in disciplinary action being taken against you, up to and including dismissal. The organisation will revise and update the handbook as necessary to comply with legislation or to improve the organisation's policies. You will be notified of any such changes by notice to you, or by way of general notice to all staff.

We operate an open-door policy with our employees with regard to work related or personal problems which are always treated in the strictest confidence. If we as management can be of assistance, we will make time for you and listen to you.

### **1.3 Identity**

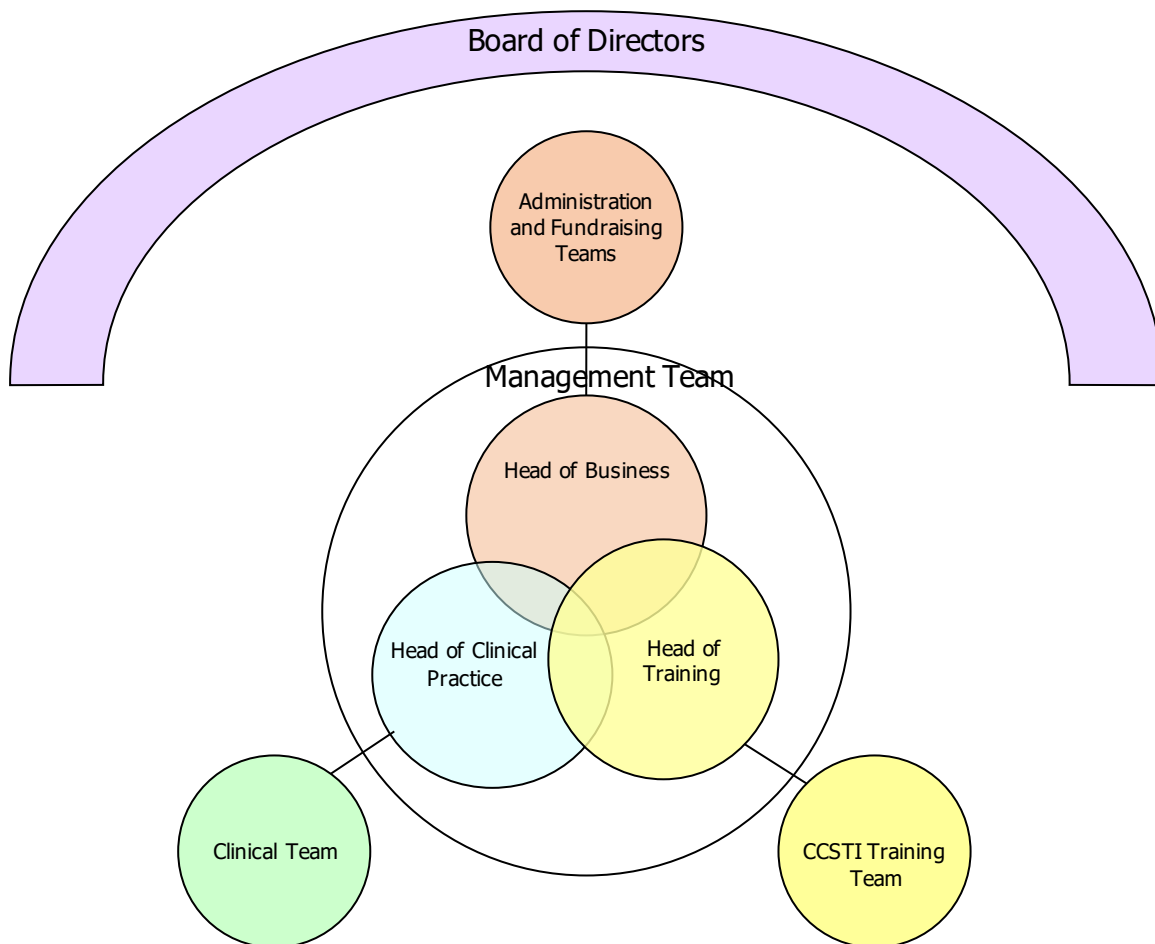
We are *Cork Counselling Services*. The official service logo for Cork Counselling Services CLG represents our identity and associated values and is shown on the front cover of this handbook. No other logo represents the service as a whole. The logo is a protected trade mark (Irish Patents Office). The logo is in colour unless otherwise specified. When on the

phone or to answer questions like “where do you work?”, “whats that charity called?” and in other everyday conversation and communication, Cork Counselling Services is the answer! Our logo has been developed from the basis of our work at Cork Counselling Centre. A central idea in person-centred humanistic psychology is that people will reach their inherent potential given the right conditions, just as an acorn grows into an impressive oak when it can establish roots in fertile soil. It is an essentially optimistic approach to working with people, which credits each person with having their own expertise and needing support rather than advice. Hence the bright colours. The brandmark refers also to Cork Counselling Services, being strong and rooted in community with a history of growth and development.

- Our building is called “The Centre”
- Our postal address is: 7, Fr Mathew St, Cork T12 PW1
- Our web address is [www.corkcounsellingservices.ie](http://www.corkcounsellingservices.ie)
- Our email formats are [firstname@corkcounsellingservices.ie](mailto:firstname@corkcounsellingservices.ie) with “info” for general.
- Our facebook page is [www.facebook.com/CorkCounselSvcs](http://www.facebook.com/CorkCounselSvcs)
- Our twitter handle is @CorkCounselSvcs
- Our linkedin address is [www.linkedin.com /company/cork-counselling-services](http://www.linkedin.com/company/cork-counselling-services)
- On instagram we are [corkcounsellingsvcs](https://www.instagram.com/corkcounsellingsvcs)

Please consider following our social media output and contribute to our content also.

## 1.4 Cork Counselling Services CLG Organisational Diagram



## 1.5 Board Of Directors

The role of the Board of the organisation is one of governance. It is concerned primarily with formulating the policy and strategic direction of CCS; its development, fundraising, control and management. The Board is charged with the responsibility to oversee the governance of the charity in accordance with its mission statement and objectives as laid out in its Constitution - these are the rules by which the association is governed and managed.

There are a number of legally binding obligations which directors must ensure they comply with in the running of the charity.

The Board is required to:

- File an annual return with the national registrar of companies, including balance sheet, income and expenditure accounts, directors' report and auditor's report.
- Report annually to the Charities Regulator and ensure compliance with the Charities Acts.
- Maintain a Register of Members and Directors.
- Hold an Annual General Meeting.
- Keep minutes of all meetings.

## **1.6 Management Team**

The management team is responsible for overseeing the day to day activities of Cork Counselling Services CLG. The management team has three main functions which are mutually supportive.

The Head of Training provides oversight on the development, implementation, execution and quality monitoring of CCSTI training programmes. She/He promotes ownership of training in the training team and works as part of the team to ensure the ongoing design and delivery of quality assured training programmes. She/He also works with clinical and training teams and other staff from external agencies in oversight and facilitation of training placements for students.

The Head of Business is responsible for the facilitation of the administration and fundraising team which carry out functions including accountancy, payroll, information and communications technology, facilities management and marketing. He/She also directs and facilitates the operation of the business, with responsibility for Human Resources, legal affairs and insurances.

The Head of Clinical Practice is responsible for the facilitation of the clinical team and ensuring through and with them that the provision of a high standard of counselling to all clients is maintained. He/She ensures that there is adequate clinical supervision, clinical staff reviews and works in conjunction with the clinical team and training organisations to oversee all student counsellors on placement with clients. He/She leads the clinical team in reviewing clinical work, community prevention work and risk management.



## **2. Staff Recruitment, Selection And Development Policy**

The aim of this policy is to act as a guideline for Cork Counselling Services' recruitment, induction, probation and staff development and appraisal ethos and processes. It applies to all employees, recruitment and applicants of the centre. All materials pertaining to this policy must be maintained within HR files for a period of four years starting from the successful candidate's start date.

### **2.1 Equal Access**

Equality of opportunity is the right of all persons to receive fair, equal, and non-discriminatory consideration in access to and the processes of education and employment, irrespective of characteristics including, but not limited to, gender, marital status, family status, sexual orientation, religion, age, disability, race or membership of the Traveller community.

The Counselling centre recognises the rights of individuals and groups to be free from discrimination and harassment on the grounds of gender, marital status, family status, sexual orientation, religion, age, disability, race or membership of the Traveller community. Discriminating against or harassing a person on these grounds, or due to personal association with a person who could be discriminated against on one of these grounds, will not be tolerated by The Centre.

### **2.2 Job Specification**

All applicants must be mailed a job description for the position they are applying for that has been agreed upon by the employment team before the interview has taken place. The job specification document should be attached to the initial job application form to reduce any complications in the recruitment process.

### **2.3 Hiring Approval**

It is the policy of The Centre is to hire qualified individuals according to standards of education, experience, aptitude, character, and physical ability to do the job with or without reasonable accommodation. Decisions regarding recruitment, selection, and placement of individuals are made on the basis of job-related criteria. Every effort is made to place individuals in positions which best utilize their abilities and which provide opportunities for personal growth and satisfaction. Replacement hiring is decided by the management team and new job roles are decided by the board of directors.

## **2.4 Advertising & Screening**

In the event that a job position is available at the counselling centre it is mandatory that this is advertised internally for employees. If there are no adequate internal applications then external advertising (for the general public) can be implemented. Human Resources staff will screen applications to the top qualified applicants and forward them to the hiring manager after the review date; no less than three and no more than ten applicants are normally referred to the hiring unit. The hiring unit is required to interview all referred applicants. If the hiring unit does not find a suitable candidate after interviewing all referred applicants, the hiring unit may request in writing that additional candidates be referred.

## **2.5 Interview Process**

Interviews will consist of two staff and selections are made based on standardised criteria.

## **2.6 Notification**

After the verbal offer of employment is made, a letter of offer must be mailed to the successful candidate. The successful candidate should reply to the Letter of Offer in writing with either a Letter of Acceptance or by signing and returning the Letter of Offer. The Letter of Acceptance must include the start date, the position title, the salary, and confirmation of the terms of probation. Occasionally, unsuccessful candidates inquire about the status of their application. It is best to respond to an inquiry from an unsuccessful candidate by indicating that a candidate whose qualifications better matched the needs of the unit was selected for the position. Additional reasons should not be given.

## **2.7 References**

Once interviews have been completed, the hiring unit should conduct reference checks of the top candidate's current and previous employers. Each candidate should have at least two references attached to their CV.

## **2.8 Garda Vetting**

Since the introduction of the National Vetting Bureau (Children and Vulnerable Persons) Act 2012-2016, there is a now statutory requirement that people who carry out relevant work (i.e. work that involves regular and necessary access to and/or contact with children and/or vulnerable adults) must be vetted prior to commencing employment or relevant volunteer work. Criminal offences will now apply to Boards of Management in the event of failure to comply with these requirements. Reference the Garda Vetting Policy which is a separate document.

## **2.9 Contracting**

Successful applicants will be mailed their contract with Cork Counselling Services including the agreed starting and end date, job description and responsibilities, holidays, code of conduct and ethos etc. Confidentiality is a central and integral part of the counselling process, it offers safety and privacy to those who choose to discuss personal and private concerns and it safeguards against any inappropriate or unnecessary disclosures. Information, written or verbal, given to the Service will be held in the strictest confidence. In exceptional circumstances counsellors may need to break confidentiality. This occurs in one of two ways:

- If a strong belief exists that there is a serious risk of harm or danger to either the client or another individual. This may relate to issues surrounding sexual/physical/emotional abuse; child sexual abuse; child protection issues; rape; self-harm; suicidal intent; violence or criminal activity.
- Occasions when disclosure is required as part of a legal process or Garda investigation.

## **2.10 Induction**

Cork Counselling Services recognises that all new employees will require adjustment in their new position. This includes an introduction to the mission and values of the organisation. The induction process is regarded as a vital part of successful integration into the working environment. This guideline reinforces the importance of the induction process in ensuring that new appointees to the organisation are able to integrate effectively. We will give the required support to new appointees through the induction programme as well as addressing any individual needs that have been identified through the recruitment and selection process and the induction programme. Objectives are as follows:

- make newly appointed employees feel welcome;
- introduce the new appointee to his/her immediate manager, colleagues, job, department, place of work and the organisation;
- clarify their role by ensuring that they fully understand the requirements of their position and that they are aware of other functions within the organisation;
- ensure the employee is aware of policies and procedures, where to access them and their responsibilities in relation to these policies and procedures;
- provide the new employee with an opportunity to answer any queries or identify any training needs they may have;
- reduce the possibility of poor performance and minimise staff turnover rates

For employee's, your role will have a Job Description detailing your duties. Please request this if it has not been given you.

All new employees will be introduced to work colleagues, suppliers, students or clients and will receive an orientation which will include, but will not be limited to the following policies and procedures:

- Grievance .
- Disciplinary
- Leave and Working Hours
- Safety Statement including Harassment and Bullying Policy Statement, Covid-19, First Aid, Fire, Accident Reporting,

An outline of our strategy as well as any important statements regarding the organisation's ethos, goals, key objectives, charter and values will be given. There will be a demonstration of the telephone system, voicemail, photocopiers, computer login, post, lockup routines, security procedures etc as needed.

The importance of child protection requirements, confidentiality, data protection and IT security will be explained. There will also be an explanation of the probationary period assessment approach and assurance that it is a participative and developmental format rather than a policing function.

There will be a discussion of the new employee's learning needs, training schedule, who is responsible for them achieving their learning targets and how they are to be achieved.

The employee will be requested to submit the following if it has not already been done:

- A written acceptance of job offer/contract of employment.
- Certificate of tax-free allowances
- Bank account information to make all payroll payments.
- Any relevant certificates or proof of current accreditation for the position.
- Where relevant, copies of the appropriate counselling practitioner's own insurance certificate.
- Confirmation of contact details and that of the next of kin in the event of an emergency.
- Any other relevant information deemed necessary by management from time to time.

## Qualified Trainers

Qualified trainers who join the Training Team receive ongoing support. Induction covers

- Introduction to the Institute its background and history.
- The ethos and model from which the training operates and the implication of these for the culture of the organisation and its staff.
- The structure of the organisation and the roles of staff members and the board.
- Introduction to validating partners.
- A description of the responsibilities and roles of training staff.
- Academic and administrative procedures.
- The terms of their employment contract.
- The policies and procedures that govern staff of the Institute.

Time is spent working with existing trainers and in training supervision on developing familiarity with the course and the Institute. Trainers have access to detailed facilitation notes from other facilitators and ongoing support of other trainers. All staff undertake a probation period. There are a number of reviews of work as part of this.

## Apprentice trainers

Apprentice trainers work alongside more experienced trainers. There is a clear induction procedure which is part of the Certificate in Counselling & Psychotherapy Studies Training programme. In addition to what is outlined above apprentice trainers learn about assessment, intake, programme design and implementation, group facilitation, countertransference and transference in counselling training, models of adult education, ethics of training, ongoing facilitation, marking, skills development, and student feedback processes.

### **2.11 Probation**

Probation is intended to be a positive, collaborative process providing an opportunity to allow:

- The newly appointed or promoted employee to integrate into the role and/or organisation
- A fair assessment of an employee's performance, behaviour and suitability to the role
- A recommendation in relation to the employee's suitability for continued employment is made by the line manager.

All employees joining Cork Counselling Services will be employed on a three month probationary basis, excluding any period of absence, during which the Contract of Employment may be terminated by either party in accordance with the Minimum Notice and Terms of

Employment Acts. If you have less than 13 weeks service, no notice is required by either party to terminate the Contract. During the probationary period you will be regularly assessed by Management and your progress discussed and supported.

Cork Counselling Services reserves the right to extend an individual's probation period, by no more than 3 months if the required performance or conduct standards have not been met or if there are any extended periods of absence during your probationary period.

The standard disciplinary procedure will not be used during the probationary period.

To be clear, if you start a different role within Cork Counselling Services, this role will always be subject to a new probation period, as outlined above. Should it be determined that you are ultimately unsuitable for this new role, you will return to a role equal in stature, and with similar terms and conditions, to the role you have vacated.

## **2.12 Continued Professional Development**

Full time staff are supported to engage in ongoing training as part of continued professional development. In addition to this being a requirement from the Institute it is also a requirement of the professional counselling body. In our staff development policy we aim to ensure that trainers

- Have the qualifications and expertise to deliver the academic and training requirements of the Institute.
- Are facilitated to keep abreast of current developments in the field of counselling, theory, practice, and education.
- Are encouraged to enhance and expand their personal and professional development.

We also encourage our staff to become involved in the accreditation, governance and development of the profession at a local and national level.

Focus of staff development programmes and activities comes through annual reviews of staff where staff and management agree on subject areas that broadens the particular staff member's expertise. The Institute invites outside trainers to give workshops to trainers and students on a variety of topics. Staff also attend workshops on varied topics such as working psychotherapeutically with adolescents; spirituality and sexuality in counselling; anger issues in counselling; supervision in groups, etc.

The Training Team meets once a month for training supervision with an external supervisor. (Additional meetings of the Training Team may be requested by trainers if necessary). In

addition the team meets for planning days, a review of courses meeting and a yearly meeting with the External Examiner.

In relation to staff communication, regular staff meetings are held to ensure that views of staff members are collected and staff members are kept informed of issues relating to their programme areas.

### Mandatory In-Service Education

Staff and contractors nominated to attend essential in-service education/training sessions (eg Child Protection, Fire Safety, Manual Handling) are obliged to do so. Records of attendance at mandatory education sessions are recorded and held in the HR Department.

### Formal Academic Programmes And Courses

Applications for external training or academic programmes are made to the management team. All applications must be accompanied by full information on the programme content, including content, length, associated costs etc. The following factors will be considered when assessing applications for study

- The relevance and benefit of the programme to the individuals' work area.
- The organisation's ability to facilitate release to attend the programme.
- Receipt by the management team of a detailed written application.
- The institute facilitating the programme meets with management approval.
- Availability of organisation resources to facilitate study leave, fees and staff replacement.
- Record of previous study leave of applicant.
- Commitment to the dissemination of information obtained on the programme.
- Acceptance of the requirement to submit an evaluation of the programme afterwards.
- Length of applicant's service will be considered.
- Receipt of funding from any other source.

The management team will make a decision based on the above factors. The decision is given in writing to the applicant as soon as possible, and are made on a case by case basis. All fees must be agreed in advance in writing. Any support, including time off (unpaid), provided by Cork Counselling Services will be agreed again on a case by case basis at the discretion of Cork Counselling Services. All relevant paperwork must be completed and signed by the employee and employer before the course commences. If you leave the business soon after completing any such course, Cork Counselling Services reserves the right to deduct the cost

of the course, or part of, from your final wage. All employees must also adhere to their own guidelines and obligations in relation to their own continuous professional development (CPD). Each employee is responsible to conduct their own supervision and/or CPD to maintain their relevant qualifications and/or memberships.

### Record Keeping

Each staff member is to keep a record of all in-service continuing professional development study, formal academic programmes and training being undertaken and to record same with HR.

### **2.13 Performance Reviews**

Management will conduct regular performance review meetings with employees. At these meetings two managers will assess your progress with you in Cork Counselling Services and work together to set new goals to achieve. The meeting starts with self appraisal in the presence of the two managers. This time can be useful for both employer and employee. Employees can use it to plan a career development path with Cork Counselling Services and suggest any avenues in which they could achieve their goals. These meetings will be kept private and confidential, and any information received will be kept in line with GDPR. You will be asked to minute the main points of the meeting for your HR file.



### **3. Health & Safety Policy**

All employees must read and become familiar with the Cork Counselling Services Health & Safety Statement. Cork Counselling Services is committed to operating an accident-free environment for employees, clients and visitors alike. All employees have a responsibility under the Safety Health and Welfare at Work Act 2005, not only for their own safety but also for that of their fellow employees and our customers, and high safety standards must become a "way of life". Safety in the broadest sense covers areas such use of equipment, manual handling, and the safety and security guidelines for the premises. We are committed to providing and maintaining a place of work which is safe and without risk to health. We will do all in our power to ensure your well-being and safety whilst at work. It is our policy to operate and maintain a safe and healthy working environment and to comply with the statutory requirements of the Safety Health and Welfare at Work Act 2005 and our own Safety Statement. All employees must read carefully and be familiar with the contents of this Safety Statement. Where an employee has a concern in relation to a health and safety matter or becomes aware of any potential hazard or unsafe working conditions, they should bring it to the attention of the Head Of Business as soon as possible.

We are obliged by law to keep a record showing details of all accidents that occur on our premises. Therefore, all accidents, however minor, to both employees and visitors, must be reported immediately to the Head Of Business or the most senior member of the team who will complete the appropriate accident/incident report. You must enter all accidents into the Accident Book, no matter how small. All incidents where skin is broken must be reported to management.

If a visitor / customer is involved, liability must not in any way be admitted on behalf of any employee or Cork Counselling Services. All relevant Health and Safety legislation must be followed, all Safety regulations must always be observed, and all employees must take great care that they, their colleagues, or members of the public are not exposed to accidents or danger.

This procedure is designed to enable all accidents to be properly investigated. By making your report you will enable preventative measures to be taken that will avoid future injury to yourself or others. Any information obtained for this purpose will be retained in line with GDPR.

#### **4. Equality & Diversity Policy**

As an equal opportunities' employer, Cork Counselling Services welcomes all cultural diversity in employees, suppliers, customers and clients alike. We will ensure that no job applicant will receive less favourable treatment due to his/her sex, marital status, family status, age, sexual orientation, political persuasion, religion, disability, race, colour, nationality, national or ethnic origins including membership of the travelling community, in terms of recruitment, pay and conditions of work, training and work experience and opportunities for career promotion.

Equal opportunity is an integral part of Cork Counselling Services overall policy and relies on the contribution of management and staff in ensuring the overall effectiveness of the application of the policy. While Equal Opportunities are formally assigned as an integral part of the responsibility of management, staff are encouraged to promote equality opportunities for all in working life.

All employees will be selected, promoted and treated on the basis of their abilities and merits only, and according to the requirements of the job. All employees will have equal opportunity to show ability and to progress within the organization.

Discrimination under the Employment Equality Act, 1998 & 2004, and the Equality Status Act 2000 outlaws discrimination under nine headings:

1. Gender Grounds
2. Marital Status Grounds
3. Family Status Grounds
4. Sexual Orientation Grounds
5. Traveller Community Membership
6. Age Grounds
7. Disability Grounds
8. Race Grounds
9. Religious Grounds

Direct discrimination occurs where a person is treated less favourably than a person of the other sex (or a person of the same sex but of different marital status) is treated, or would be treated, in the same circumstances.

Indirect discrimination occurs when a person is obliged to comply with a requirement relating to employment which is not essential to the job but with which a substantially greater proportion of persons of the other sex or of a different marital status are able to comply.

Victimisation occurs when a person is penalised or treated less favourably because of pursuing their rights to equal treatment, supporting action or giving notice of intention to take or support action under equality legislation. Victimisation is prohibited under the legislation.

If any employee feels they have been discriminated against on any of the above grounds they should follow our Grievance Procedure. Any proven allegation of discrimination is treated seriously; such behaviour is considered a disciplinary offence and all reasonably practicable steps taken to prevent the behaviour continuing.

We will also look to ensure our Services are accessible and relevant to service users from all backgrounds. We will pay specific attention to our working environment to ensure as appropriate that diversity is integrated into our working practices. The content of training programmes delivered to our staff by internal and external providers will be inclusive of diversity concepts when appropriate.

## **5. Time and Leave Policies**

### **5.2 Sick Leave**

In the event of unforeseen absenteeism for any reason the employee must notify a manager on duty by 10am on the first day of absence. You must also maintain regular contact with the manager to advise of a likely return date. If you are unable to make contact with a manager, you may leave a message through reception or by email or mobile phone. Failure to report your absence may mean that the absence will be treated as an unauthorised and unpaid absence and could, following a full investigation, result in disciplinary action. Please note any information received in relation to absenteeism or sick leave will be treated as sensitive information and will be kept private and confidential.

A medical certificate is required on day 4 of any absence. If you are absent due to sickness more than 3 times, in a 12 month period, on a Friday and/or Monday you are required to submit a sick certificate for each of these days.

The medical certificate should outline the nature of your medical condition and will be required on a weekly basis thereafter. The medical cert should be handed/posted to the Head Of Business only. If you email a copy of your medical cert, you must bring the original cert with you when you return to work.

All medical certificates must contain the following information:

- Duration of the illness
- Nature of the illness
- Doctor's name, address and signature (Doctor's official stamp)
- Date of Consultation

During any absence, Cork Counselling Services reserve the right to refer any employee who has been absent from work to their own nominated doctor for a second opinion. Cork Counselling Services will stand this cost. In the event that any employee is unable to return to work for a period of more than 6 consecutive months due to illness, incapacity or any other reason beyond the employees' control, Cork Counselling Services reserves the right to refer the employee to their own nominated doctor and will arrange regular welfare meetings with the employee, thereafter, to maintain contact with the employee.

Cork Counselling Services will always consider any medical information received from the employee's Doctor and discuss any reasonable accommodations suggested or phased return

recommended by a Doctor. In order to comply with insurance regulations, certain absences will require a final certificate stating that an employee is fit to resume their normal duties.

All illnesses deemed to be contagious must be reported to a manager by an employee.

In the event that evidence comes to light indicating possible abuse of sick leave arrangements, the matter will be treated in accordance with disciplinary arrangements.

Absent employees, regardless of the duration of the absence, should make contact with a manager on their return to inform of their return to work and to discuss their absence and complete any required return to work documentation or preparations.

Cork Counselling Services recognises that employees are sometimes too unwell to attend work and need time off to recover properly. However, there are limits to the amount of absence that the business can sustain due to the negative impact it can have on the business and other members of the team. Therefore, Cork Counselling Services must monitor the absence levels of all employees and where appropriate, will take action to bring about an improvement. Where absence leads to concern, an employee may be invited to an Absence Review Meeting to discuss his/her level of absence.

You will be paid for sick leave in line with the terms and conditions outlined in your contract of employment. Cork Counselling Services reserves the right to withhold part of all of the sick pay benefit. Where Cork Counselling Services has a reasonable belief that any period of sickness is not genuine then sick pay may be withheld until a satisfactory medical certificate is produced. The sick pay scheme will be twelve-month calendar year based from January 1st to 31st December, with no transfer of benefit from one year to the next.

Employees should note that they may be entitled to a range of social welfare payments and should apply to the Department of Social Protection for further details.

The employee should not engage in any activity or be guilty of any conduct likely to impede his/her recovery. The employee should not engage in any remunerative employment while in receipt of sick pay.

Notwithstanding the foregoing, management reserves the right to refer any employee to a doctor nominated by Cork Counselling Services for independent medical examination. The employer will meet the cost of such a referral.

Any employee found to be abusing the sick pay scheme or failing to comply with its terms and conditions may be ineligible to receive any benefit and may be subject to disciplinary action up to and including dismissal within the terms of the disciplinary procedures.

The organisation intends to review its sick pay scheme on a regular basis and reserves the right to change its terms and conditions of this scheme at any time. The organisation will notify employees of any such changes as soon as possible.

Before returning to work after a serious or prolonged sickness, the return to work must be accompanied by a doctor's certificate of fitness to return to work. Cork Counselling Services may also refer the employee for examination to a doctor nominated by the organisation to ensure the employee is fit to resume normal duties.

Cork Counselling Services retains the right to review the continuation of employment of an employee based on medical reports. Such reviews would take into account the safety of the individual and the ability of the person to meet the job demands and without risk to himself/herself or to others.

### **5.3 Annual Leave**

Clinical Leads receive 32 days holidays per annum. Senior managers are eligible to receive 10 extra clinical days with pay where this is deemed important to their wellbeing. All other employees will be paid in accordance with the Organisation of Working Time Act 1997, earning holiday pay for 8% of hours worked.

Employees who join or leave Cork Counselling Services during the leave year will have their annual leave entitlement calculated on a pro rata basis from the date of commencement.

The holiday year runs from 1st January to 31st December and we therefore recommend that all annual leave must be taken within this holiday year. However, you may carry forward a maximum of 5 annual leave days, with prior approval from your manager, to be taken within 6 months of the ending of the leave year. You will not receive payment for any excess annual leave days not taken within the annual leave year or any of the annual leave days carried over to the following annual leave year and not taken within the 6-month period.

Public Holidays (9 in all) will be paid in accordance with the Organisation of Working Time Act 1997 Act for full-time and part-time employees.

All Holiday Leave requests must be submitted in writing to your manager and recorded on the holidays spreadsheet. Any verbal approval you think has been given is still subject to formal approval once you confirm the request in writing.

Holidays will be given on a consensus basis. Cork Counselling Services must, at all times, retain sufficient experienced and skilled employees in each work location to ensure efficient running of the charity. No employee is to make bookings (e.g. flights, hotel) before getting

approval for annual leave dates from Management. Cork Counselling Services is not responsible for any money / deposits lost by employees in these circumstances.

The organization closes at Christmas, Easter and Summer and annual vacation must be taken to cover these closures.

If you leave Cork Counselling Services and it is found that your holidays taken already exceed your entitlement, Cork Counselling Services will deduct the excess paid from your final pay. This is an express written term of your Contract with Cork Counselling Services.

Employees are entitled to nine public holidays per year. These days are as follows:

- New Year's Day
- St Patrick's Day
- Easter Monday
- May Bank Holiday
- June Bank Holiday
- August Bank Holiday
- October Bank Holiday
- Christmas Day
- St. Stephen's Day

## **5.4 Maternity Leave**

### Support and Entitlements

If you are reading this with a view to planning for a pending maternity, we want you to know that the Centre will look to support you in every way it can over this important period. We urge you to make your needs known to the Centre when necessary so that we can implement your entitlements and support you in the best possible manner in line with our person-centred ethos.

Where a permanent staff member is on Maternity Leave, her job in The Centre is protected during her absence and her employment cannot be ended nor can she be suspended from work. An employee on a fixed-term contract is entitled to full maternity leave. However, if her fixed-term contract ends before the last day of maternity leave, the last day of her contract counts as the last day of maternity leave. This means that if the fixed-term contract ends

during maternity leave, then the employee's contract of employment terminates on that date. This does not affect entitlement to the full 26 weeks of Maternity Benefit.

A member of staff maintains all employee rights whilst on maternity leave, during the 26 week period of leave, including a continuing entitlement to annual leave and public holidays.

### Eligibility for Pay

You should know, first of all, that all staff, full-time, part-time and temporary are entitled to statutory maternity leave payment (currently €240 per week).

Fully paid maternity leave (in line with normal wages) is available to permanent staff of more than one year's service on the date of commencement of leave and as per their contract of employment.

### Leave Entitlement

Maternity Leave consists of 26 weeks consecutive leave. A minimum period of 2 weeks maternity leave must be taken prior to the end of the expected week of confinement and a minimum of 4 weeks must be taken after the expected week of confinement.

Where a baby is born prematurely and the mother has not started her maternity leave, she is allowed 26 weeks maternity leave from the date of confinement provided she notifies the Centre in writing within 14 days of her confinement.

Where a late birth means that a member of staff has less than 4 weeks remaining after the week in which her baby was born, then she may extend her maternity leave to facilitate her with a full 4 weeks after the week of birth.

There is, unfortunately, no entitlement to statutory maternity leave for a miscarriage occurring up to and including the 24th week of pregnancy. Any confinement occurring after the 24th week, even if it does not result in a live birth means a mother retains her full maternity leave entitlement.

Staff can avail of additional maternity leave without pay, immediately following the end of paid maternity leave up to a maximum of 16 weeks. Staff should inform the Centre of their intention to avail of this four weeks before the end of their paid maternity leave.

Staff may postpone the period of maternity leave/additional maternity leave in the event of hospitalisation of the child, subject to approval. However, leave may only be postponed after 14 weeks of maternity leave has been utilised. Leave may be postponed for a period of up to 6 months. A written request to postpone the leave must be accompanied by evidence from the Centre of the child's hospitalisation.



Pregnant staff are entitled to paid time off to attend pre-natal and postnatal clinics.

A breastfeeding mother is entitled to a reduction of 1 hour (or as agreed) in the working day, without a loss of pay for up to 26 weeks following the date of confinement.

A father is entitled to the remainder of the mothers leave, where the mother dies during maternity leave or additional maternity leave.

### Payment of Maternity Leave

It is the staff member's responsibility to apply for Maternity Benefit. The staff member is requested to fill in an MB1 and MB2 form (available online or available from The Centre). The staff member should work with the Centre to complete MB2 then ensure both are forwarded to the Department. The maternity benefit should be routed to the bank account of the Centre, which is available on request. Where you are entitled to full payment, the Centre will continue to pay you in full in the normal manner. Maternity benefit forms part of taxable income and sometimes these tax implications have cashflow implications. The Centre will work with you to ensure any temporary loss is quickly restored.

### Health and Safety Provisions

Where there are Health and Safety issues in the pregnant staff member's job or work environment, the Centre will ensure that appropriate safeguards are put in place. A member of staff who is pregnant or has just had a baby (within the first 14 weeks) or who is breastfeeding (within the first 26 weeks after birth) must take all appropriate steps to ensure her health and safety at work and that of her developing child.

A member of staff who is pregnant must partake in a Risk Assessment early in the pregnancy to identify any potential risks. It is the obligation of the Centre to ensure that this occurs at least twice during the pregnancy, one of which needs to be documented in conjunction with the member of staff and a copy placed on HR file. Such an exercise will look at health and safety hazards on a continuous basis and in particular to jointly:

- Minimise exposure to:

manual handling of loads, climbing of steps, noise, extremes of cold or heat, potentially violent clients or clients needing excessive physical help, tightly fitting or crowded workspaces which might present comfort difficulties.

- Assess whether:

Evacuation of the building in an emergency is difficult due to lack of speed and movement, flooring and stairs are in good condition and free from trip hazards, work activities

that involve work on display screen equipment are safe, electrics in and around employees work area are safe

- Ensure:

good posture and maximum lumbar support, regular breaks from computer based work before fatigue sets in, sufficient segregation from disruptions in order to minimise stress.

Where a Risk Assessment identifies a risk, the Centre will temporarily adjust the member of staff's working conditions in order to subtract the risk from the member of staff's duties. Should the adjustment not be technically or objectively feasible, in that no alternative duties or time can be facilitated to the member of staff, then the member of staff must be given health and safety leave. It is the priority of the Centre to ensure that there is no risk to a pregnancy.

#### Sick Leave and Annual Leave

Public holiday entitlements falling during paid maternity leave will normally be taken immediately at the end of maternity leave (paid or unpaid). Public holidays that fall within the period of additional unpaid maternity leave will not be accrued. Both paid and unpaid maternity leave count as service in all respects e.g. holiday accrual, pension. Subject to normal regulations, sick leave should be allowed during pregnancy. Annual leave accrued up to the date of return to work will be taken before resuming duties.

#### Pregnancy-related illness occurring before maternity leave

A member of staff who is medically certified as unfit for work due to pregnancy-related illness prior to the commencement of maternity leave and who has exhausted her entitlement to half pay in accordance with the normal sick pay rules will continue to receive sick pay at half pay for the duration of her illness until maternity leave commences.

#### Illness occurring post maternity leave

Following maternity leave, where a member of staff is unfit for work due to ill health her entitlement to sick pay at half pay will be extended by the period of absence due to pregnancy-related illness which occurred prior to her maternity leave provided she had not benefited from extended pregnancy-related sick leave at half pay in accordance with (6.6) above. Illnesses occurring during pregnancy are not necessarily pregnancy-related. Where doubt arises, the matter may be referred for Occupational Health advice

#### Probation

Where a member of staff has not completed her probation at the Centre prior to commencing maternity leave, the probation period will be suspended until she returns to work.

### Resourcing

Where a member of staff is taking maternity leave, due regard will be given by management to the re-assignment of workload and an assessment will be made with regard to the level of resourcing required by the temporary absence. The member of staff who is pregnant and other staff who may be affected will be consulted throughout so that the organisation can continue its work with minimum disruption to all parties and in a spirit of cooperation and mutual support. On return to the workplace, every effort will be made to actively support the returning member of staff with regards to her professional and personal needs and to facilitate all those effected by changing work responsibilities or arrangements.

### Procedures

The member of staff should inform the Centre (through the Head of Business) in writing of her pregnancy as soon as possible but no later than 4 weeks before the date of confinement, enclosing a medical certificate confirming pregnancy and expected date of confinement. The letter should state when maternity leave commences and finishes (26 weeks later) and the letter should be signed and dated. For practical reasons, it is desirable that staff provide as much verbal notice as possible so that a Risk Assessment Form can be completed and appropriate arrangements can be made to prepare for the anticipated absence.

Where a member of staff wishes to take additional unpaid maternity leave, she may take up to sixteen consecutive weeks commencing immediately after the end of her maternity leave. Application for additional unpaid maternity leave must be made in writing, no later than four weeks before the date on which she would have expected to return to work after the end of her maternity leave. The letter should state how many extra unpaid weeks (up to 16) is being notified, along with commencement and finish dates.

The member of staff must give written notification of her intention to return to work at least 4 weeks before the date on which she is due to return to work. If she wishes, she may give this notification at the same time that she is confirming her intention to take maternity leave. The Centre will work with you to identify your accrual of holidays, certified sick leave or public holidays in order to determine your optimal return date.

## **5.5 Adoptive Leave**

In line with current legislation, all employed adopting females or sole male adopters are entitled to avail of up to 24 weeks adoptive leave. Leave commences on the actual date of placement.

An additional period of up to 16 weeks leave may be taken at the discretion of the employee immediately following the initial adoptive leave period.

No payment is made in respect of absence by an employee during their adoptive leave. However, an employee may be entitled to claim adoptive benefit from the Department of Social Protection, subject to qualification criteria. In order to claim this benefit, an employee is required to submit a claim form (AB1) prior to commencement of adoptive leave. This form is available from the Department of Social Protection. The organisation will complete Part 4 of the form confirming employment and PRSI details on request. It is also a condition that, where the payment is approved, these payments are made directly to the employee. The organisation makes no payment in respect of additional Adoptive Leave.

#### Adoptive Leave Applications Procedure

A minimum of 4 weeks' notice is required from an employee intending to avail of adoptive leave and/or additional adoptive leave prior to the expected date of placement. 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. Notification of leave must be made on the appropriate form which may be obtained from the employee's manager.

#### Leave to Attend Classes and Meetings in Advance of the Adoption

Any employee involved in the adoption process is permitted to avail of paid time off to attend pre-adoption classes and meetings which they are obliged to attend, provided the meetings are held within the state. 2 weeks written notice of the first request must be provided. Evidence of the requirement to attend the class or meeting may be sought by the organisation.

#### Leave in Advance of Foreign Adoptions

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. 4 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 4 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.

## **5.6 Paternity Leave**

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 unpaid leave. No payment is made in respect of absence by an employee during paternity leave. However, 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, the organisation 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.

### 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 of Leave

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 the organisation if the notification required is given in the period of 7 days commencing on the date of confinement.

#### Postponement of Leave

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, the organisation will provide suitable alternative employment that is no less favourable in terms and conditions.

## **5.7 Parental Leave**

The Parental Leave (Amendment) Act 2006, permits natural or adoptive parents, or persons acting in loco parentis in Ireland to take parental leave from employment in respect of all children where the employee is in continuous employment for at least one year.

Parental leave is available for each child and amounts to 18 weeks per child. Leave is limited to 18 weeks per 12-month period where an individual has more than one child.

The 18 weeks per child may be taken in one continuous period or in separate blocks of a minimum of six weeks with the agreement of the organisation.

- Leave can be taken in respect of children up to eight years of age.
- Leave can be taken within two years of an adopted order where the child is adopted between the ages of 6 and 8 years.
- In the case of a child with a disability or long-term illness leave may be taken up to 16 years of age.

Parental leave is unpaid leave. Where 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.

#### Notification 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 a manager 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.

#### Patterns of Leave Permitted

Leave may be availed of as a continuous period of 6 weeks or greater at any onetime. Periods of leave of a lesser duration are entirely at the discretion of management, and it may not be possible to permit these. Consult a 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,



the organisation 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. The organisation 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.

### **5.8 Force Majeure Leave**

The Parental Leave Acts, 1998 and 2006, entitle employees to time off from work with pay for family emergencies for urgent reasons in cases of sickness or accident where the staff member's immediate presence is required at the place where the ill or injured person is situated. Force Majeure Leave covers immediate family members, specifically the employee's child or adoptive child, spouse or partner, a person to whom the employee is in loco parentis, a brother or sister of the employee, a parent or grandparent of the employee, a person with whom the employee is in a relationship of domestic dependency.

Entitlement to force majeure leave is limited to circumstances where the immediate presence of the employee is indispensable or where the employee is present at the place where the ill or injured person is situated.

The duration of leave cannot exceed 3 days in any 12 consecutive months or 5 days in any 36 consecutive months. There is no service requirement for an employee to take Force Majeure Leave.

#### Procedure

Where possible, an employee should contact a manager to notify the organisation of their absence as soon as possible. In all cases, the employee will be required to complete a formal force majeure leave notification form detailing the duration of, and the reasons for, the leave on their return to work. This form may be obtained from the manager.

The organization 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.

### **5.9 Carer's Leave**

The Carer's Leave Act, 2001 and 2006, entitles employees to avail of unpaid leave from employment to fulfil their caring responsibilities where appropriate as determined in conjunction with the Department of Social Protection.

### Duration of Leave

Such 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.

### Eligibility

To be eligible for such leave you must have completed 1 year of service and be approved by the Department of Social Protection provide full-time care to the relevant person. 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.

### Application Procedure

Employees are required to give 6 weeks' notice of their intention to avail of Carer's Leave. This application should set out the manner in which it is proposed to take the 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.

A response will be issued in respect of the application at least 2 weeks prior to the proposed commencement of the leave. Where the leave is approved a confirmation document will be produced for signature by the employee and this will be retained by the organisation.

Notification of leave must be made on the appropriate form which may be obtained from the employee's Manager.

### Termination of Carer's Leave

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

- on an alternative date agreed between the employee and Management,
- where the person in respect of whom carer's leave is taken ceases to qualify as a relevant person, or the employee ceases to qualify as a carer,
- where a deciding officer from the Department of Social Protection determines that it should end,

- where the relevant person dies during a period of carer's leave. In such circumstances the employee should return to work on a date within 6 weeks of the date of death, or as agreed in the initial confirmation document, whichever is the sooner.

### 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.

### **5.10 Compassionate Leave**

Cork Counselling Services wishes to support staff at times of bereavement. On the death of an immediate family member (mother, father, sister, brother, wife, husband, long term partner, son or daughter), three days compassionate leave will be paid. This leave may be extended at the discretion of management. All other requests are at the discretion of management and all compassionate leave must be authorised by management.

Cork Counselling Services will do its best to accommodate time off requested to attend a funeral of others not listed above. There is no provision when an employee is on annual leave.

### **5.11 Jury Leave**

In order to avail of this leave, an employee must present the summons for jury service to a manager as soon as they receive this notification. Their manager will then approve the leave. In exceptional circumstances Cork Counselling Services may seek to have an employee excused from jury service, however this will only occur where work 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 a 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.

## **6. Home Working Policy**

Cork Counselling Services may ask staff members to work from home. This is obligatory only for those employees who have this in their contract of employment or have agreed separately in writing that they wish to do so. From the employees perspective, note that there is no legislation providing for a right to remote working, however Cork Counselling Services will consider your request should you wish to do so and work requirements allow for same.

### Employers Perspective

Cork Counselling Services has a duty of care to its staff regardless of whether they work in the office, remotely or at home. Many of these are outlined in the Safety Statement. In relation to working from home in particular, the organisation will consult with their employees to ensure that:

- the employee is aware of any specific risks regarding working from home
- the work activity and the workspace are suitable
- the employer has provided suitable equipment to enable the work to be done
- that there is a pre-arranged means of contact.
- that supervision, communication, training, supports, allocation of work, respectful behaviour, fairness and good management continue regardless of remote working
- all contact details for employees are on file
- employees have work related and emergency contact numbers
- IT support is available in the event of technical problems where relevant
- employees have information detailing when it is important for them to contact their employer
- work is organised in such a way that the employee takes regular breaks and can separate his/her work life and daily life
- employees maintain contact with colleagues.
- employees have access to the organisations Microsoft 365 environment together with email and sharepoint. They should also have an individual zoom videoconferencing account as necessary.
- an ergonomic assessment of a staff-member's home workstation can be done through a video call.

## Employee Perspective

As an employee, discuss the following with the organisation with regard to ergonomics:

- do you have a suitable space to work from?
- can you access the workspace easily and safely?
- is there adequate light, ventilation and heat to allow you to work comfortably?
- is there enough space to allow you to work without twisting, bending or sitting/standing awkwardly?
- is there enough workspace to accommodate the equipment or other materials needed for the activity?
- is the floor clear and dry, e.g., kept clear of electrical cables or anything else you could trip over / slip on?
- is the workspace free of clutter?
- are electrical sockets, plugs and cords in good condition e.g. no charring, exposed wiring or frayed cables?
- if you have needs relating to a disability, a pregnancy or your age, has it been addressed?
- are you taking adequate breaks?
- are you keeping regular contact with the organisation
- do you have emergency contacts and procedures in place should an emergency arise?

Employees working from home have a responsibility to take reasonable care of themselves and other people who may be affected by the work they are doing. In particular, they must

- cooperate with their employer and follow their instructions
- protect themselves and others from harm during the course of their work, e.g. take care of any equipment provided and report any defects immediately to the employer
- report any injury arising from work activity to their employer immediately
- follow procedures that have been put in place by their employer.

As an employee, please identify what equipment you need to work from home and agree these items with the employer. Such equipment may include:

- a headset if dealing with frequent phone calls
- IT equipment

- work phone
- adequate stationery.

Employees should consult their home insurance policies on coverage in the case of an accident or damage to equipment. It is understood that policyholders will generally have cover for their personal office equipment, for example laptops and computers, in the contents section of the household policy up to stated limits. Any equipment provided by an employer to an employee to work remotely is the responsibility of the employer and is covered under the business's material damage section of its public liability policy, subject to policy limit.

The following graphic outlines advice for working remotely with organisation data.

### **Devices**

- Take extra care that devices, such as USBs, phones, laptops, or tablets, are not lost or misplaced.
- Make sure that any device has the necessary updates, such as operating system updates (like iOS or android) and software/antivirus updates.
- Ensure your computer, laptop, or device, is used in a safe location, for example where you can keep sight of it and minimise who else can view the screen, particularly if working with sensitive personal data.
- Lock your device if you do have to leave it unattended for any reason.
- Make sure your devices are turned off, locked, or stored carefully when not in use.
- Use effective access controls (such as multi-factor authentication and strong passwords) and, where available, encryption to restrict access to the device, and to reduce the risk if a device is stolen or misplaced.
- When a device is lost or stolen, you should take steps immediately to ensure a remote memory wipe, where possible.

### **Emails**

- Follow any applicable policies in your organisation around the use of email.
- Use work email accounts rather than personal ones for work-related emails involving personal data. If you have to use personal email make sure contents and attachments are encrypted and avoid using personal or confidential data in subject lines.
- Before sending an email, ensure you're sending it to the correct recipient, particularly for emails involving large amounts of personal data or sensitive personal data.

### **Cloud and Network Access**

- Where possible only use your organisation's trusted networks or cloud services, and complying with any organisational rules and procedures about cloud or network access, login and, data sharing.
- If you are working without cloud or network access, ensure any locally stored data is adequately backed up in a secure manner.

### **Paper Records**

- It's important to remember that data protection applies to not only electronically stored or processed data, but also personal data in manual form (such as paper records) where it is, or is intended to be, part of filing system.
- Where you are working remotely with paper records, take steps to ensure the security and confidentiality of these records, such as by keeping them locked in a filing cabinet or drawer when not in use, disposing of them securely (e.g. shredding) when no longer needed, and making sure they are not left somewhere where they could be misplaced or stolen.
- If you're dealing with records that contain special categories of personal data (e.g. health data) you should take extra care to ensure their security and confidentiality, and only remove such records from a secure location where it is strictly necessary carry out your work.
- Where possible, you should keep a written record of which records and files have been taken home, in order to maintain good data access and governance practices.

## **7. Code Of Conduct Policy**

### **7.1 General**

All staff are expected to conduct themselves with due regard for their legal responsibility as adults and the reputation of CCS. The organisation seeks to uphold standards of professional behaviour in all its operations. The following applies in this regard to all staff, for the benefit of clients and fellow staff combined.

### **7.2 Working Hours**

Cork Counselling Services opening hours are 9am to 5pm, Monday to Thursday and 9am to 4pm on Friday. You will receive one half hour paid lunch break each day. Your working hours will mainly be within these opening hours, however, employees may be required to work outside of those hours, particularly management and counselling staff. On occasion it may be necessary for employees to work outside of their normal working hours and time off in lieu may be granted in its place with management agreement.

The organisation is committed to ensuring that no employee works in excess of the maximum average working week, as determined by the Organisation of Working Time Act, 1997. You are also entitled to breaks and time off in accordance with the Act. Your statutory break entitlements (unpaid) are as follows:

- A 15-minute break for every 4.5 hours worked
- A 30-minute break for every 6 hours worked (including the 15 minutes provided for the 4.5 hours worked)
- A daily rest break of 11 consecutive hours
- A weekly rest break of 24 consecutive hours

When opening Cork Counselling Services employees must arrive early enough to ensure they complete all opening tasks. All employees must familiarise themselves with the opening and closing procedures on a regular basis. Your hours of work and rest breaks will be recorded to comply with the Organisation of Working Time Act and will be kept safe and secure in line with the General Data Protection Regulations (GDPR).

### **7.3 Personal Needs**

We recognize staff needs in regards to occasional external appointments or personal phone usage. We also ask that you recognize that these incur organisation expense. Private appointments during work hours should be essential and agreed with your Team Leader in



advance, and you may be requested to work up the time. You are requested to keep personal phone calls to a minimum. Private mail should not be sent care of our address.

#### **7.4 Hygiene and Tidiness**

All work areas, including kitchen must be kept clean and tidy at all times. The organisation provides a kitchen for use during breaks. Kitchen and rest areas may be subject to inspection by the Health and Safety Authority so it is vital that they are kept both clean and safe at all times by those who use them. Do not leave it up to somebody else to clean up after you. It is necessary to maintain high standards of cleanliness, tidiness and hygiene, particularly in relation to your workplace and communal areas such as the bathroom facilities. You should make every effort to keep equipment you use or facilities you share with your fellow employees clean, neat & safe.

#### **7.5 Employee Records**

Any changes to the following information should be notified to the Head Of Business in writing: name or marital status, address or contact numbers, salary bank account details, details of relevant examinations passed or qualifications attained and membership of relevant professional bodies, details relating to next of kin. The organisation will abide by all provisions of the Data Protection Act.

#### **7.6 Confidentiality**

As part of your work with Cork Counselling Services, you will come across sensitive information regarding client interactions and other business dealings which must remain confidential at all times. You will also be privy to certain relationships the business has established and your discretion in relation to these is expected at all times. The confidential nature of your work requires that you never disclose any information you may acquire about the affairs of Cork Counselling Services or any of its clients. The computer files, records and forms you work with are the property of Cork Counselling Services and must not be shown or given to outsiders without official approval. Failure to comply with these requirements could result in serious disciplinary action up to and including dismissal. The highest level of client confidentiality is expected at ALL times.

#### **7.7 Gifts**

Gifts other those of a token nature should not be accepted from clients or suppliers.

#### **7.8 Dress Code**

Staff should dress appropriately for the activities they will be involved in during work. They need to remember that they are presenting the profession to the public. Generally clothes should be smart casual. Clothing should not be distracting or offensive.

### **7.9 Care of Personal Property**

CCS cannot in any circumstances, accept responsibility for the loss or theft of private property left or lost on CCS's premises.

- a) Staffs who suffer a loss of, or damage to, their personal property should advise the administration and inform the Gardaí.
- b) CCS cannot accept any responsibility for the safety of bicycles, motor bicycles or motor cars while they are on CCS's premises or on the premises of any of its training venues.

### **7.10 Work Property**

All property or equipment supplied or available for use remains the property of Cork Counselling Services. Such supplies are not for individual use and as such should only be used for Cork Counselling Services business. As part of your role with Cork Counselling Services, you may have the use of a laptop. You must look after these products fully and report any damage or fault with them. Common sense must prevail at all times. Remember, they remain Cork Counselling Services equipment and are for Cork Counselling Services work and professional use. On leaving Cork Counselling Services, or on taking a period of extended leave, you will be required to return without delay all Centre property to Cork Counselling Services. It is critical that all Centre equipment is treated with due security consideration. Laptops must all be encrypted, kept safe and secure with strong passwords. Please refer to the Internet & Email Policy and the Data Protection Policy for further information on the use of Centre equipment.

### **7.11 Negligence**

Any damage to stock or property that is the result of your carelessness, negligence or deliberate vandalism will render you liable to pay the full or part of the cost of repair or replacement. Any loss to us that is the result of your failure to observe rules, procedures or instruction, or is as a result of your negligent behaviour of your unsatisfactory standards of work will render you liable to reimburse to us the full or part of the cost of the loss. In the event of failure to pay, we hold the Contractual Right to deduct such costs from your salary

### **7.12 Comments to Press/Media**

You shall not be permitted to discuss with the press or other media, issues concerning Cork Counselling Services and its activities unless you are appointed as an authorised spokesperson for Cork Counselling Services or you have been given specific permission to comment on any such matter pertaining to the work that Cork Counselling Services undertakes or any of its clients without the express permission, which should be writing, of a manager.

### **7.13 Lone Working**

Employee's health and safety is of the utmost importance and we are especially concerned about employees who at various times during their employment will be working on their own. We discourage staff to work alone in our premises but where this is unavoidable we ask them

- To cooperate and comply with the organisation's Health and Safety procedures and legislation.
- To report all accidents, injuries, near-misses and other dangerous occurrences.
- To report any defect in the place of work, the systems of work without unreasonable delay.
- To make correct use of any article or substance provided for use by the employee at work or for the protection of his or her safety.

In particular we encourage you to

- ensure your mobile phone is fully charged and on you at all times.
- to keep the inside door of the building closed and as necessary to address callers through the glass if you have any concern whatsoever about safety.
- when out of the organisation premises or meeting clients of the organisation, you must at all times keep your colleagues in the office aware of your location unless you are at home
- follow locking and security protocols and never divulge door codes unnecessarily.

All employees should ensure they are fully aware of the above measures that are in place and if in any doubt at any time it is your responsibility to speak with the Head Of Business.

## **8. Communications Policy**

Our aim is to maintain effective channels of communication between all to maximise our resources in support of our clients.

Our policy is to encourage two-way communications. Cork Counselling Services will at all times endeavour to keep its employees informed of the major issues affecting the business, staff changes and other issues of employee interest. All employees are encouraged to keep management informed of any issues affecting them individually or as a group and to provide other information, which might be of particular interest to Cork Counselling Services including any suggestions for the improvement of performance, services and standards.

Good communication to all of its stakeholder group is at the core of the work of Cork Counselling Services and we are committed to using a variety of communications methods to ensure the smooth delivery of our services. We expect all employees to take a shared responsibility in actively engaging in positive, effective and clear communication. We are committed to using a variety of external media in order to strengthen and further develop our external support network.

### Access to Information

- Cork Counselling Services will maintain a public internet website that will serve as a resource tool and key communications medium for our external support network.
- We will develop and maintain internal databases for client and student management.
- Notice boards will be maintained at accessible locations serving as information centres for all communication relating to Cork Counselling Services activities.

### Publications

- Every year Cork Counselling Services will update both employees and our external support network through the publication of our Annual Report. The report will be published on the our website.
- Information leaflets about the range of services available through Cork Counselling Services will be published and made available as necessary.

### Meetings

- The Board of Directors will meet at regular intervals throughout the year to consider matters relevant to the organisation.

- The Management Team will meet on a weekly or fortnightly basis to address issues relating to the organisation and relevant issues will be communicated to staff.
- Residents and other people who use our services will be actively encouraged to participate in providing feedback on the service facilities etc. and to explore issues of concern for residents, service-users, staff and volunteers.

## **9. Grievance Policy**

### Purpose

The purpose of this policy is to ensure that the organisation operates a fair grievance procedure which has regard to the rights of employees as set out in the Code of Practice on Disciplinary and Grievance Procedures. The policy is to be applied in order to assist and encourage employees to raise any issues of concern to them in order that the organisation may take appropriate action to resolve these concerns.

### Scope

This policy applies to the individual grievances of all employees. Grievances relating to alleged bullying, harassment or sexual harassment can be addressed under this procedure but have an alternative formal procedure as part of it.

### Policy

It is recognised that from time to time in all employment situations, grievances may arise. 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 organisation 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 these procedures.

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. 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.

### Procedure - Informal Discussion

Employees are encouraged to approach their manager in the first instance to discuss issues and attempt to resolve them informally. Should the employee feel uncomfortable approaching their manager regarding a particular issue, they may approach another manager to raise the issue. At this stage the manager will consider the grievance carefully and respond to the employee within a reasonable and agreed timeframe. Mediation can also be provided for in

the informal process. If the employee is not satisfied with the response provided, the issue may be escalated through Stage 1. and Stage 2. of the formal grievance procedure, or where the issue relates to alleged bullying, harassment or sexual harassment, through the alternative formal procedure.

#### Stage 1. Formal Procedure

- In order to raise a formal grievance, it is necessary to put the grievance in writing, or to meet with the manager to put it in writing. The written grievance may be submitted to the employee's manager, or where this is deemed inappropriate, to any other manager.
- A grievance hearing meeting 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 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.
- A written decision will be provided to the employee, within a reasonable agreed timeframe.
- A record of the meeting will be kept and given to those in attendance.

#### Stage 2. Formal Procedure

- Should an employee feel dissatisfied with the response given at stage 1, he / she may appeal in writing. 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.
- A grievance appeal 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.
- 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.
- The issue will be discussed in an effort to explore satisfactory outcomes.
- A decision will be provided to the employee within an agreed reasonable timeframe.
- A record of the meeting will be kept and given to those in attendance.

The decision after Stage 2 will be binding on all parties in the dispute. If the employee is dissatisfied with the response given to the grievance, he/she must exhaust the organisation's grievance procedure prior to issuing any complaints or procedures to any external parties. The grievance procedure ends at this point unless the issue relates to alleged bullying, harassment or sexual harassment.

#### Alternative Formal Procedure Relating to Alleged Bullying, Harassment and Sexual Harassment

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 bullying, harassment or sexual harassment i.e. the behaviours/conduct constituting bullying, harassment/sexual harassment;
- Dates/times and locations of where and when the alleged bullying / harassment / sexual harassment occurred;
- Names of witnesses to any alleged incidents;
- Details of any action already taken to stop the bullying / 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 the organisation to investigate and to take action in appropriate circumstances.

If the behaviour complained of does not concern bullying, 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 doesn't 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 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 relating to alleged Bullying, Harassment or Sexual Harassment

The investigation will be conducted in accordance with this 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, 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 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 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. 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 employee 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 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 the organisation's disciplinary procedure, or training, or another appropriate intervention deemed necessary to prevent a recurrence of the behaviour.

The organisation 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 the organisation's disciplinary procedure. It is important that

employees are aware that certain acts of bullying, harassment or sexual harassment may be deemed gross misconduct by the organisation 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 the organisation 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. The organisation 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 Bullying / Harassment / Sexual Harassment

The procedures outlined in this policy should be employed to deal with bullying, harassment or sexual harassment by a third party. Sanctions which 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.

## **10. Disciplinary Policy**

### Purpose

The purpose of this policy and procedure is to ensure that the organisation operates a fair disciplinary process which has regard to the rights of employees under both the Code of Practice on Disciplinary and Grievance Procedures and the Unfair Dismissals Acts. 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.

### Scope

This policy applies to all employees of Cork Counselling Services.

### 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 at a meeting. The representative's role 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.

At all formal stages of the procedure the employee is entitled to be made aware of the case against him/her, and to be provided with any evidence to be used against him/her. The employee will be afforded an opportunity to respond to any allegations and evidence, and management will give due consideration to all responses received. Representation is permitted at all formal stages of the procedure. The employee is also permitted to appeal the findings of any formal disciplinary investigation or any sanction imposed under the procedure.

## Misconduct

The following behaviours may be considered to be 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;
- Persistent lateness and poor timekeeping;
- Absence from work, including going absent during work, without valid reason, notification or authorisation;
- Unreasonable standards of dress or personal hygiene;
- Smoking within unauthorised areas;
- Abuse of sick leave policy;
- Insubordination;
- Minor breaches of health and safety regulations;
- Bullying, harassment, sexual harassment, victimisation, or any act of discrimination;
- Downloading, display or distribution of pornography or other inappropriate material;
- Bringing the organisation into disrepute;
- Misuse of organisation property.

## Gross Misconduct

The following behaviours may be considered to be gross misconduct and may result in summary dismissal, depending on the circumstances of the case. Note that these examples are provided for illustrative purposes only, and this list is not exhaustive. All cases are considered on their own merits:

- Serious harassment, sexual harassment, bullying, victimisation or other act of discrimination;
- Serious abuse of sick leave;
- Theft, including unauthorised possession of organisation property or other fraudulent behaviour;

- Refusal to carry out a management instruction which is within the individual's capabilities and which would be seen to be in the interests of Cork Counselling Services.
- Serious breaches of health and safety rules or endangerment of another person in the workplace;
- Serious breaches of confidentiality, prejudicial to the interest of Cork Counselling Services;
- Being under the influence of an intoxicant at work or in the course of employment;
- Possession, sale or distribution of a controlled substance in the workplace;
- Refusal to participate in a workplace investigation or other action;
- Physical assault, breach of the peace or verbal abuse.
- False declaration of qualifications or professional registration.
- Failure to observe organisation rules, regulations or procedures.
- Wilful damage of property at work.
- Incompetence or failure to apply sound professional judgement.
- Failure to observe and/or comply with organisation regulations and procedures

#### Informal Procedure

In general, where there is an allegation of poor performance, attendance or conduct, the direct 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 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.

## Formal Procedure

In all cases where an employee's standards of performance, attendance and/or conduct fall below those expected by the organisation, 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 Hearing Process

Prior to any formal disciplinary sanction being decided upon and imposed a fair disciplinary hearing will be held with the employee. The purpose of this meeting is to put the complaint to the employee and to hear the reasons behind the issue from the employee's perspective. An employee will always be treated in a fair manner at a disciplinary hearing. The following principles will apply to a disciplinary hearing:

- Advance notification of the requirement to attend a disciplinary hearing will be provided together with the fact that the outcome of the meeting may be disciplinary action.
- Throughout the hearing, the employee will be permitted to have a representative present.
- The employee will be notified of the complaint in advance of the meeting in order to have an opportunity to prepare his/her responses.
- The employee will be afforded an opportunity to respond to any allegations/evidence at the meeting, and to present any other relevant factors including any mitigating circumstances.
- Further meetings may be held with the employee as necessary.
- Conclusions will only be formed 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.

- Due consideration will be given to all responses received. In order to ensure that management have the time to fully consider the facts, there will always be an adjournment at the end of any disciplinary hearing in order to allow time to consider the facts of the case, and to make a fair decision on the next steps.
- The decision on what level of disciplinary sanction, if any, to be imposed will be taken during adjournment. A follow up disciplinary meeting will be held with the employee where this decision will be communicated. The employee may have a representative present at this meeting. Formal disciplinary action will be confirmed in writing.

### 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, the organisation 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.

#### Stage 1. Formal Verbal Warning

Where the informal procedure 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 formal verbal warning may be issued by the appropriate manager. 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. 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 Written 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. 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

There are two ways in which dismissal may occur. 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 the organisation 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 the organisation to provide advance notice of dismissal. Decisions to dismiss in such circumstances may only be taken by a senior manager in the organisation, 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, the organisation 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 the organisation retains the right not to exhaust the disciplinary procedure during probation.

#### Appeals

All disciplinary sanctions may be appealed within five working days of being issued to an employee. The details of whom the appeal should be made to will be included in the warning document, or letter of dismissal. A finding will be issued within a reasonable timeframe, generally 10 working days. This may be extended where necessary to facilitate a full and fair appeals process. 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.

## **11. Protected Disclosures Policy**

A Protected Disclosure is the term used when an employee 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 employee's attention in connection with the employee'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.

It is not regarded to be a relevant wrongdoing where a matter is a function of the employee or the employee's 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 an employee 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.

### Procedure for Raising a Concern

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

This procedure enables all employees to raise any genuine concern(s) relating to the organisation 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 an employee 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, an employee is encouraged to raise any concern(s) to their manager. However, should the employee feel that it is not appropriate or feel uncomfortable disclosing such information to their manager, the employee should raise any concern(s) to the Head Of Business and confirm that a Protected Disclosure is being made in accordance with this policy. Concerns may be raised verbally or in writing. Should an employee raise a concern verbally a written record of the conversation will be kept and a copy provided to the employee.

The disclosure should state:

- That the disclosure is being made under this procedure;
- The discloser's name, position in the organisation, 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

This organisation is committed to taking all reasonable steps to protect the identity of the employee making a disclosure and to ensure that relevant disclosures are treated in confidence. Employees who are concerned that their identity is not being protected should notify their manager. 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 employee 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, the organisation will make every effort to inform the employee 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 employees 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 an employee 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). The organisation encourages all employees 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 the organisation to assess the disclosure and take appropriate action, including an investigation if necessary.

### How the organisation will deal with a Concern

In the event of a concern being raised, the organisation will arrange a meeting with the employee 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. An employee is permitted to have a representative present (work colleague).

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

The organisation 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.

Having met with an employee 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 employee making a Protected Disclosure or any employee against whom a concern has been made is entitled to be accompanied by a representative (work colleague). 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, the organisation will keep the employee who made the disclosure informed of actions taken. Such information should be treated as confidential. Sometimes the need for confidentiality may prevent the organisation 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 an employee 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 the organisation's 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.

An employee is not expected to prove the truth of any concern raised. However, the employee 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 the organisation's disciplinary procedure.

#### Safeguards and Protection

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

No employee 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 an employee 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 employee 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 the organisation and may result in summary dismissal or other appropriate action.

An employee who believes that they have suffered any such treatment should inform their manager or Head Of Business immediately. If the matter is not remedied an employee should raise it formally using the Grievance Procedure.

#### 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. The organisation is confident that such concerns can be dealt with internally in an appropriate and timely manner and strongly encourages all employees 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 an employee



need only have a reasonable belief as to wrongdoing to make a disclosure internally, if an employee is considering an external disclosure, different and potentially more onerous obligations apply, depending on to whom the disclosure is made.

### Responsibilities

Management will endeavour to ensure that this policy is communicated to all employees 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 employees.

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

### Disclosure Outside of the Employer

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

The 2014 Act allows an employee 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.

### Other Responsible Person

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

### 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.

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

- makes the disclosure to a person prescribed in the link provided above and,
- 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.

#### A Minister of the Government

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

- the employee is or was employed in a public body, and;
- 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.

#### A Legal Advisor

A disclosure is made in the manner specified in this section if it is made by the employee 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).

#### Alternative External Disclosure (in very limited circumstances)

It is preferable in most circumstances for an employee 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 employee 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 employee makes the disclosure, the employee reasonably believes that they he/she will be subjected to penalisation by the employees 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 employee reasonably believes that it is likely that evidence relating to the relevant wrongdoing will be concealed or destroyed if the employee makes the disclosure to the Employer, or responsible person; or
  - iii. The employee 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 employee to make the disclosure.

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

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

## **12. IT Policy**

This policy established guidelines for the proper use of Cork Counselling Services Internet, E-Mail, Computer and other Electronic Resources. All employees have the responsibility to use these resources in a professional, ethical and lawful manner.

The Internet is a worldwide network of computers containing millions of pages of information with many diverse points of view and users may encounter material that is offensive or inaccurate. As Cork Counselling Services cannot control the availability of this information; employees are directly responsible for any material that is downloaded from the Internet.

While E-mail brings many benefits to Cork Counselling Services, it also brings risks particularly where employees or volunteers use it outside their roles. For that reason, it is necessary to have a code of practice which regulates its use and which sets down specific rules for the use of E-mail and the Internet

Employees should note that sending and accessing offensive or inappropriate material through E-mail or via the Internet can constitute gross misconduct and may be subject to disciplinary procedures up to and including dismissal. Such material may include content of a sexual, political, religious or racial nature, though not limited to these areas.

### Accessing The Internet

Cork Counselling Services internet connections are intended for activities that either support the business or the professional development of employees. Many of the Internet's activities, however, are for recreational and private use and are unrelated to our service. Employees are expected to use these resources in a professional, responsible manner and avoid wasting working time and resources with unrelated Internet activity. Employees whom in the assessment of management have abused this will be subject to the disciplinary procedures.

Employees are prohibited from using the organisation's computers or network to download, upload, store, distribute or otherwise use non work-related music or video and unlicensed software.

### Usage

Resources supplied by Cork Counselling Services remain the property of the organisation and should be used accordingly. Employees may not use organisation Internet or E-mail resources for commercial or personal advertisements, solicitations, promotions, chain mail, destructive programs such as viruses. The sending, receiving or displaying of material that can be deemed offensive is prohibited. Employees encountering such material should report it to a manager.

### Social Media Use

Cork Counselling Services does not permit the usage of social networking site such as facebook, or other social media content such as blogs during working hours.

### E-mail

E-mail is intended for use that either supports the business or the professional development of employees. Employees are expected to use common sense in their use of E-mail and avoid wasting working time and resources with personal use of E-mail. Employees whom in the opinion of management have abused this will be subject to disciplinary procedures. All E-mails issued from Cork Counselling Services should carry a disclaimer saying

*Information in this email (including attachments) is confidential. It is for receipt and consideration by the intended recipient(s) only. If you are not an intended recipient, any use, forwarding, or copying is prohibited. Opinions expressed in this email may be personal to the author. They are not necessarily the opinions of Cork Counselling Services. If this email has been received in error, please delete it from your system.*

At no time should the use of E-mail compromise the good standing of the organisation as recipients may be a much wider group than the sender intended. Employees should exercise the same care in drafting an E-mail as they would for any other written communication.

### Disclaimers of Liability

Cork Counselling Services will not be responsible for any damage, direct or indirect, arising out of the use of its Internet resources.

### Waivers of Privacy

Please note that usage of organisation Internet and E-mail resources can be monitored by the organization, which may include its IT agents or advisers. Cork Counselling Services has the right, but not the duty, to monitor any and all aspects of its computer systems, including, but not limited to, monitoring sites on the Internet that employees visit, monitoring chat groups and newsgroups, reviewing material downloaded or uploaded by employees and reviewing E-mail sent and received by employees. Employees waive any right to privacy in anything they create, store, send or receive on the computer or the Internet.

### Compliance with Applicable Laws and Licenses

Employees must comply with software licenses, copyrights and all other local, national and international laws governing intellectual property and online activity

### **13.Social Media Policy**

This policy provides guidance for employee use of social media, which should be broadly understood for purposes of this policy to include apps, blogs, wikis, microblogs, boards, chat rooms, electronic newsletters, online forums, social networking sites, and any other types of interactive online media and services that permit users to share information (words, images, photos, videos) with others in a public, or indeed a private manner.

While we realise that many employees will have personal social networking site (SNS) profiles on the likes of Twitter, Facebook and Instagram, we have developed this policy to ensure that common sense and reasonable behaviour will ensure that the use of these sites never leads to an issue with us, or for us, as your employer. This policy applies to the use of social media for both business and personal purposes, whether during work hours or otherwise. This policy applies irrespective of whether social media is accessed using Centre IT hardware or networks, or your own IT hardware or networks.

#### **Personal Social Media**

Cork Counselling Services recognizes that many employees will use social media in a personal capacity and respects the private life of individuals. Nevertheless, employees' use of social media can pose a risk to our confidentiality and our reputation. If you mention on your profile that you are employed in our business, or if there is a public awareness of where you work, any content you post online about Cork Counselling Services or yourself (words, video, or photos) has the potential to cause damage to you and Cork Counselling Services. It is important that your individual views are not reflected as the views of your employer.

Employees should consider carefully any content you post on your SNS as if it is brought to our attention, even if you have not recorded our Centre name in your profile or within the post and it in any way affects your work with us, we expressly reserve the right to raise it with you and if appropriate, deem the particular post as unacceptable and warranting of investigatory and/or disciplinary action. While you may not deliberately intend to cause offence or upset, you must remember that comments may be perceived differently by others. All employees are reminded that some people may be offended if they are 'tagged' or mentioned in any photo/social media post of any type. This includes photos taken inside or outside the workplace and any workplace events.

If it comes to your attention that there is offensive material on a social media site about you, which you believe originated from the workplace, you should raise this with a manager immediately. While Cork Counselling Services may not be able to physically remove the

material, we will offer support and discuss the internal policies and procedures that we have in place which may be able to assist you to resolve the matter.

As part of this policy, we must remind all employees not to rely on the social media forums own privacy settings (e.g. Twitter's own privacy settings or having a private account) as comments made on these forums may be copied and forwarded to others without your direct permission. It will absolutely not be the case that we will be looking at your social media activity deliberately; however, we have to reserve the right to raise certain issues with you if they are brought to our attention.

The following are some examples of the type of content Cork Counselling Services would find inappropriate and in breach of this policy (this list is not exhaustive);

- Comments of an inappropriate nature relating to a work colleague(s) or the working environment.
- Comments relating to customers/ clients/ 3rd Parties known to your employer.
- Comments relating to product, pricing or any sensitive business information.
- Comments that may raise questions regarding your absence from work.
- Comments relating to grievances you have with your employer.
- Comments which may damage the reputation or professional standing of your employer or any of your colleagues.
- Comments that are not in line with our Safety Statement and especially those which may be considered as a form of bullying or harassment or sexual harassment.
- Employees who are found in breach of this policy may face serious disciplinary action up to and including dismissal.

If you have any questions in relation to this policy, please contact your manager.

#### Access to Cork Counselling Services Social Media

No social media forum is permitted to be set up in Cork Counselling Services name. If an existing forum already exists it must be terminated with immediate effect.

Also, as we operate our own social media pages, it is advised that employees strongly consider the content of posts they make on our page. Remember this is the site of your employer and posts will be visible to management so again, employees must show common sense and discretion, as inappropriate content will lead to action by your employer.

If you have permission to operate Cork Counselling Services page, if an employee encounters a situation that threatens to become antagonistic, employees should disengage from the dialogue in a polite manner and seek the advice of a supervisor immediately.

### Internet and Email Policy

Employees are required to use appropriate language and convey a professional image when communicating by email or via the internet.

Employees should be careful when opening email attachments, downloading software or generally using computer equipment and take necessary steps to avoid the threat of viruses infecting the IT systems.

Every employee has a responsibility to maintain the Cork Counselling Services image and uphold its reputation, to use these electronic resources in a productive manner and to avoid placing Cork Counselling Services at risk for legal liability based on their use.

Those who are privileged to have access to the Internet and e-mail at work must understand that misuse of the facilities will not be tolerated. Centre facilities will not be used for e-mailing or downloading material of an offensive nature including pornography, racist or sexist material.

We reserve the right to monitor all e-mail/ internet/ PC activity by you for the purposes of ensuring compliance with our policies and procedures and of ensuring compliance with the relevant regulatory requirements. This includes monitoring of any additional accounts you may be requested to set up for the purposes of performing your work tasks, which are subject to the same rules as your work email account. Therefore, any Internet usage cannot be treated as confidential in any circumstances and no employee should have an expectation of privacy in relation to any computer use on the organisation's equipment. Information acquired through such monitoring may be used as evidence in disciplinary proceedings. Monitoring your usage will mean processing your personal data. You may read more about the data we hold on you, why we hold it and the lawful basis that applies in the employee privacy notice.

Any breach of the policy will be dealt with using Cork Counselling Services disciplinary procedure. Cork Counselling Services strictly reserves the right to examine the content on its computers, laptops and mobile phones at any time and failure to co-operate with this request may constitute Gross Misconduct.



## **14. Intellectual Property Rights Policy**

### Introduction

This policy is about Intellectual Property, the output generated every day by staff and students. "Intellectual Property" means rights such as patents for inventions and trademarks, domain names and registered designs as well as design rights, copyright and moral rights, database rights, unregistered trademarks, know-how and confidential information. CCS recognises that Intellectual Property generated by research and other work undertaken at CCS is an important asset and wishes to encourage all staff to contribute towards this activity. CCS has the responsibility to identify, protect and manage its Intellectual Property effectively. CCS intends that the benefit of having such a Policy will include wider recognition of individual achievements and the reputation of the intellectual contribution made by its staff.

### Intellectual Property Right Ownership

Staff will be required to agree that CCS has ownership of Intellectual Property they create during the period of, and relating to, their employment. For the avoidance of doubt, any Intellectual Property created by the staff member purely in a personal capacity and without use of CCS's facilities and/or resources, will be owned by the staff member. The reasons why CCS asserts ownership over Intellectual Property created by staff is as follows:

It is appropriate for CCSTI to assert ownership of Intellectual Property created by staff for the following reasons:

- a) the Intellectual Property developed by the staff will sometimes be needed to enable use to be made of the whole project developed by a research/project team;
- b) the Intellectual Property will often be based on advice and ideas contributed by many others including staff, third parties and other students;
- c) the project may be conducted under the terms of agreements with, or grants from, third parties, including both commercial and non-commercial funding bodies. These terms may require that the Intellectual Property be owned by the third party or CCS;
- d) any Intellectual Property is likely to be created whilst using CCS's facilities/resources;
- e) CCS can, where necessary, negotiate commercial terms with third parties to obtain the best possible deal for both CCS and the student.

### Intellectual Property over which CCS asserts ownership rights

Intellectual Property Rights will arise in many forms, as CCSTI engages in many activities across various disciplines. In respect of staff, it is most likely to result from discoveries during work, research and learning.

### Publication

A staff member shall obtain consent from CCS before entering a contract with a publisher or producer of works in other media in relation to copyright in a work produced by that staff member but where the Intellectual Property belongs to CCS. CCS will usually agree to the assignment of copyright to the publisher in paper printed materials intended for publication in academic journals or books unless

- a) it relates to materials specifically produced as learning materials or
- b) where publication could result in certain rights of CCS being adversely affected, for example, inability to apply for a patent protection.

In the latter case consent will be given once the adverse effect no longer exists. Other cases will be considered on a case by case basis.

### Disclosure of Intellectual Property Rights

Where a staff member of CCS creates any Intellectual Property he or she shall disclose it to CCS. CCS shall determine whether it has any obligations to research sponsors or other organisations in respect of the Intellectual Property. Where there are no such obligations, CCS, following consultation with the creator of the Intellectual Property, shall decide upon and implement the most appropriate route for exploitation of the Intellectual Property. In the event of a dispute between the creator of the Intellectual Property Right and CCS concerning ownership, protection or exploitation of the Intellectual Property the matter shall be referred to CCS's legal advisor. Following consultation with the parties and any external expert that the Legal Advisor considers to be desirable, the advisor shall decide upon a course of action to finally resolve the dispute.

Where CCS decides to seek exploitation, the creator of the Intellectual Property shall provide reasonable assistance with the exploitation process by (for example) providing information promptly upon request, attending meetings with potential partners and advising of further development.

### Intellectual Property Rights Reversion

If having received full disclosure from all CCS decides not to protect or exploit the Intellectual Property, CCS will normally upon request assign its rights to the person who created the

Intellectual Property. In the event that the assigned rights were subsequently exploited CCS might require the person who created the Intellectual Property to pay the reasonable costs incurred by CCS in relation to those rights. In certain circumstances CCS may not be free to assign its rights, for example if a public sector body has funded work, that body may acquire the rights if CCS does not exploit them.

For the avoidance of doubt, CCS is not under any obligation to protect or exploit Intellectual Property.

### Confidentiality

Staff members should be aware of the importance of maintaining confidentiality in relation to the Intellectual Property. Commercially sensitive documents should be marked as "Confidential". CCS will assist with the correct confidentiality requirements should external confidential disclosure be required. Staff members are not authorised to enter into confidentiality agreements with third parties on behalf of CCS.

### Protection of Intellectual Property

Staff members should ensure that all Intellectual Property is properly documented in a form that would enable the date of creation to be clearly established. This may be through regular dating and signatures on log-books, or through writing-up and regular filing as appropriate.

### Exploitation of Intellectual Property

CCS actively encourages its staff members to take the initiative in identifying Intellectual Property which has potential exploitation or publicity value or which could otherwise enhance the reputation of CCS together with the potential scope of its exploitation.

CCS will consider all reasonable proposals in relation to Exploitation of Intellectual Property made by its staff members. Where such Intellectual Property does not solely belong to CCS, assistance may be given with exploitation, subject to agreeing satisfactory arrangements which ensure that CCS receives an appropriate share of any monetary or other revenue or value derived from exploitation.

### Revenue sharing from Exploitation of Intellectual Property Rights

While CCS will retain the ownership of Intellectual Property as set out above, it will also provide an incentive to its students by sharing revenue generated from Intellectual Property.

## **15. Leaving The Organisation Policy**

On resignation, each employee will be required to give the notice period in the terms of their contract of employment. Any notice must be provided in writing by the employee.

On termination of employment by the employer, employees will be entitled as a minimum to the notice period as set out by the Minimum Notice and Terms of Employment Act. This shall not preclude both parties to this agreement from agreeing to a lesser period of notice of termination of employment in certain circumstances, where requested in writing. The final decision in this regard rests with the employer.

Employees are obliged to return all items of Centre property that they are responsible for, or items in their possession or control. Items such as the following:

- Passwords and Pass Codes, Computer Files (if applicable), Laptop / mobile
- Keys, Manuals, Credit card (if applicable)

All property must be returned by employees on or before their last day of work. Cork Counselling Services may withhold from the employee's final pay the cost of any items that are not returned when required. Employees may also be required to participate in an exit interview on termination of employment.

Cork Counselling Services reserves the right to require you not to attend work during any period of notice. Where Cork Counselling Services requires you to remain away from work during your notice period, which is given by you or Cork Counselling Services, you will be required to comply with any conditions laid down by Cork Counselling Services. During this time, you will continue to receive your normal salary and benefits of employment. You will not be permitted to work for any other person, organisation, client or corporation or on your behalf during this period without Cork Counselling Services's prior written permission. You will not during this period, be entitled to access any of our premises or data without prior permission from management. You will be required to ensure that you are available at all times during this period at our request. On resignation or termination of employment, a Reference or Certificate of Service may be supplied outlining period of employment, position held, etc. upon request.

### Declaration of Understanding of the Employee Handbook

As part of your employment with Cork Counselling Services, you are required to review this employee handbook to ensure you are familiar with the policies and procedures contained within this document and are fully aware of your responsibilities as an employee.

In signing below, I accept that the onus is on me to read, understand and follow the policies and procedures set out in this document. I acknowledge that if I have any questions in relation to the contents of this document, I must raise them with management as soon as possible to seek clarification. If I ever need a new copy of this document, I understand it is my responsibility to contact Management and request it. I understand that this is not an exhaustive list and that Cork Counselling Services reserves the right to amend, alter or remove part or all of any section of these policies to suit the need of Cork Counselling Services, providing I am given written notice prior to such changes to allow me comment on same.

### **Signature Page**

In signing this handbook, I declare that I have read and understood its contents

Sign: \_\_\_\_\_

Date: \_\_\_\_\_