

ROYAL COLLEGE OF MUSIC

Staff Disciplinary Procedure (conduct)

Application and scope

1. This procedure applies in cases of alleged misconduct and gross misconduct by any member of staff.

General provisions

2. Before disciplinary action is taken, any necessary investigation will be undertaken under the guidance of HR to gather relevant evidence.
3. Members of staff attending a formal meeting or appeal hearing under this procedure have the right to be accompanied and represented at such meetings or hearings by a trade union representative or a work colleague. The member of staff's chosen companion can take a note of the proceedings, address the meeting/hearing, respond on behalf of the member of staff to any views expressed at the meeting and confer with the member of staff, but may not answer questions on his/her behalf or prevent the line manager (or other College representative as appropriate) explaining his or her position.
4. Members of staff should make every effort to attend disciplinary hearings, as requested. Where a member of staff is repeatedly unable or unwilling to attend a disciplinary hearing without good cause, the College may make its decision on the evidence available to it.
5. At any stage in the disciplinary process, if necessary for operational reasons, the member of staff may be suspended from work on full pay by the Director, or a designated nominee. The member of staff will be told why suspension was thought necessary. Suspension is not a disciplinary penalty and is not an indication of culpability. Suspensions will be reviewed periodically, at least monthly. During any period of suspension, the member of staff will be required to cooperate fully with any investigation and to be available for interview during their normal working hours. During such period of suspension, the member of staff will not normally be entitled to access any College premises (except to attend meetings at the College's request) or to use the College's internet/intranet/email facilities or to engage in their normal day to day duties, without express permission.
6. It is expected that all staff involved in a disciplinary process will maintain the confidentiality of the process and of College documents. Any breach of confidentiality by the member of staff may be treated as a separate disciplinary offence. This is subject to an individual's right to seek and obtain appropriate confidential legal advice or make a disclosure under the Public Interest Disclosure Act 1998 or otherwise as required by law or any statutory authority.
7. Issues that arise will be dealt with promptly and meetings, decisions or confirmation of those decisions will be communicated promptly. Before any sanction is imposed any necessary investigation will be undertaken to gather relevant evidence.
8. Where a member of staff raises a grievance in the course of proceedings under this procedure the procedure may be temporarily suspended so that the grievance can be dealt with, if appropriate. Where the grievance and the disciplinary issues are related the two issues may be dealt with together.

Informal Process

9. When a member of staff's conduct is called into question his/her line manager will usually discuss the issue with the member of staff informally, with or without a member of HR staff. This will be an informal discussion and no penalty will result, although on occasion a need for training, coaching or advice may be identified and agreed. The member of staff involved will not normally be invited to be accompanied at such a meeting, which may be arranged informally and at short notice.

Formal Procedure

Stage 1

10. Where informal discussions have not led to improved conduct, or where alleged misconduct is of a severity that informal discussion is considered to be inappropriate, the member of staff's line manager or Directorate member (the 'Disciplinary Manager') may consider taking formal action under Stage 1 of this procedure. The Disciplinary Manager may, if they consider it appropriate, designate an internal or external person at his or her discretion to investigate the circumstances of the case (the 'Investigator') and will inform the member of staff accordingly, if so.
11. Where the Disciplinary Manager appoints an Investigator, the Investigator will undertake an appropriate investigation. The member of staff may be interviewed by the Investigator. There is no right to be accompanied at this interview. The Investigator will report the findings to the Disciplinary Manager.
12. If the Disciplinary Manager considers that there are grounds to indicate that misconduct may have occurred, the Disciplinary Manager will ask HR to write to the member of staff inviting him/her to a formal meeting at which the member of staff will be given the opportunity to respond and state his or her case. The Disciplinary Manager may be accompanied by another manager or Directorate member, to assist in reaching a decision, and will be advised by a member of HR. The member of staff will be given sufficient details of the alleged misconduct and of its possible consequences so as to enable the member of staff to prepare an answer to the case and will normally be sent copies of any written evidence, including any witness statements, with the letter or if not, as soon as practical thereafter.
13. If, having considered the evidence, the Disciplinary Manager/Panel is satisfied that the member of staff has committed an act or acts of misconduct, HR will write to the member of staff informing him/her of the outcome and whether a formal disciplinary warning is to be given. If a warning is given, the letter will set out the period during which the warning will remain active and what change of behaviour and/or other measures (if any) will apply (for example a requirement that the member of staff attends training) and within what timescale. It will also set out the member of staff's right of appeal against the decision.

Stage 2

14. If the member of staff does not meet the required standard of conduct set out in the previous disciplinary warning issued under Stage 1 of this procedure, commits any other act of misconduct during the currency of an existing warning, or where allegations of gross or very serious misconduct are raised such that it is appropriate to dispense with Stage 1, the line manager (or other senior member of staff, as appropriate) may refer the matter for consideration to their Directorate member (or in his/her absence, another Directorate member).
15. Before any decision is taken to proceed with a formal meeting under Stage 2, the Directorate member (or his/her designate), will, if appropriate, designate a person to investigate the circumstances of the case (the 'Investigator') and will inform the member of staff accordingly. The member of staff may be interviewed by the Investigator. There is no right to be accompanied at this interview.
16. If there are grounds to indicate that an act of further or gross or serious misconduct may have occurred, the member of staff will be invited by HR, in writing, to a formal disciplinary meeting of a panel comprising a member of the Directorate (in the chair) and another manager or member of the Directorate. At least five working days notice will be given, wherever possible. The Panel will be advised by a member of HR, who will service the meeting. The letter will include an account of the alleged misconduct and warn of its possible consequences (which may be the termination of his/her employment with or without notice) so as to enable the member of staff to prepare an answer

to the case. The member of staff will normally be sent copies of any written evidence, including any witness statements, with the letter or if not, as soon as practical thereafter.

17. At the meeting the member of staff will be given the opportunity to state their case and to raise any factors which they wish to have considered.
18. If, having considered the evidence, the Panel is satisfied that the member of staff has committed an act or acts of misconduct, gross or serious misconduct, HR will write to the member of staff informing them of the outcome, including where appropriate the timescale for improvement, the sanction(s) to be imposed and of the period over which any sanction(s) will remain active, including but not limited to:
 - a. a warning
 - b. dismissal (in the case of gross misconduct, without notice). The letter will specify the date on which the member of staff's employment will terminate;
 - c. as an agreed alternative to dismissal, the award of a reasonable sum by way of compensation, either to the College or to an individual, in respect of identified and quantified loss;
 - d. withholding any forthcoming increment of salary;
 - e. the demotion to a lower salary point on an existing grade;
 - f. the demotion to a post of a lower grade;
 - g. the removal of any title or office held in addition to the substantive appointment.
19. The member of staff will be notified of their right of appeal and the procedure that will apply.
20. Alternatively, if having considered the evidence, the Panel is satisfied that no action is appropriate, this will be confirmed in writing by HR.

Appeals

21. The member of staff will have the right to appeal against any decision under this procedure. The appeal must be in writing and must set out the grounds on which the appeal is made.
22. An appeal must be sent to the Head of HR within 10 working days of the date of the disciplinary or dismissal letter.
23. The appeal which will be held at an agreed time and place will be heard by a panel comprising:
 - In the case of a sanction to dismiss: two independent members of Council, appointed by the Chairman or the Deputy Chairman of Council.
 - In the case of a lesser sanction: a Directorate member and another manager or member of the Directorate appointed by the Director; all of whom have been uninvolved in earlier hearings.

The appeal will consider the grounds of the appeal; it will not be a full rehearing of the case.

24. The decision following the appeal will be final and cannot be further appealed internally. The member of staff will be notified of the outcome in writing by HR, as soon as possible.

Senior staff

25. In the case of senior staff, ie members of the Directorate, disciplinary action will follow the procedures set out above up to stage 2 and the Director will be the Disciplinary Manager, advised by a member of HR, if necessary.

26. At stage 2 of the formal procedure, the Chairman or the Deputy Chairman of Council will normally appoint the Director as the Investigator and will appoint an independent member of Council to undertake the role of Disciplinary Manager. The formal disciplinary panel will comprise two independent members of Council appointed by the Chairman or the Deputy Chairman of Council, one of whom will normally be the Disciplinary Manager. The Panel will be advised by a member of HR, who will service the meeting.
27. In any appeal, two independent members of Council not involved in the disciplinary panel will hear it.
28. In the case of the Director, disciplinary action will follow the procedures set out in this section and the Chairman or the Deputy Chairman of Council will be the Disciplinary Manager, advised by a member of HR, if necessary. The Investigator will normally be the Chairman or the Deputy Chairman of Council or an independent member of Council appointed by them. In any appeal, independent members of Council not involved in the disciplinary panel will hear it.

Royal College of Music

Staff Disciplinary Procedure

Appendix A - Gross Misconduct

Where a member of staff has been guilty of misconduct, the College will normally issue a written warning. However, on occasion a member of staff may be guilty of conduct so serious that it warrants summary dismissal, using stage 2 of the formal disciplinary procedure. In such circumstances a member of staff will not be entitled to notice or to pay in lieu of notice.

The following is a non exhaustive list of the types of misconduct which the College will regard as gross misconduct:

- Dishonesty including theft, fraud, bribery, taking property belonging to the College or a third party (including students, visitors or members of staff).
- Assault or physical violence
- Bullying or harassment
- Gross negligence
- Bringing the College into disrepute
- Wilful disregard of the College's procedures of a nature seriously prejudicial to the College, including those relating to health and safety or data protection
- Wilful damage to the College's property
- Incapacity to perform duties as a result of drunkenness or the misuse of drugs
- Unlawful discrimination in the context of a member of staff's employment, eg harassment on grounds of sex, race, religious belief, disability, sexual orientation, or age
- Serious computer misuse
- Conduct that would constitute a criminal offence relevant to the member of staff's employment whether committed on College premises or elsewhere.
- Undertaking outside paid work that will conflict with, or is to the detriment of, the College's interest, without the College's permission

December 2011