

Royal Northern College of Music

# **Staff Disciplinary Policy**

**Policy & Procedure**

**Department: Human Resources**

**Document owner: Director of  
Human Resources**

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Committee / RHRC**

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**RNCM**  
ROYAL NORTHERN  
COLLEGE of MUSIC

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## **1 Purpose**

The RNCM recognises disciplinary rules and procedures are necessary for the effective operation of the RNCM by encouraging all staff to achieve and maintain satisfactory standards of conduct and behaviour. The RNCM also recognises that disciplinary rules and procedures are a necessary part of ensuring that all individuals are treated fairly and consistently.

This procedure provides a formal process for resolving disciplinary matters. The need to take disciplinary action will arise where a staff member's behaviour and/or conduct falls below the standard required by the RNCM. Appendix A provides a flow chart of the normal stages of the informal and formal action procedures.

This policy sets down the procedures to be followed when standards of conduct give rise to problems which cannot be resolved by advice and encouragement, training or increased support. RNCM is committed to the avoidance of formal disciplinary procedures wherever possible by addressing problems as soon as they arise. This procedure is intended to provide consistency in the treatment of staff and, to ensure matters are dealt with promptly.

It has been developed using the ACAS Code of Practice on Disciplinary and Grievance Procedures. This policy has also been developed in alignment with the Royal Northern College of Music's statutory duties under the Higher Education (Freedom of Speech) Act 2023 and the Office for Students (OfS) Free Speech Registration Conditions. It sets out the action which will be taken when the RNCM's rules are breached.

Most issues of misconduct will be dealt with through the normal line management relationship (see paragraph 6 below). In many instances where an individual's conduct at work falls below the required standard, it will be appropriate to encourage improvement by the use of suitable advice, guidance and support before pursuing disciplinary action. The formal procedure should only be used when management advice and guidance has failed to produce the required improvement or when the disciplinary matter is sufficiently serious. Advice and guidance on good practice should be sought from Human Resources.

This policy has been approved by the Board of Governors as a Regulation of the RNCM made pursuant to the Articles of Government, paragraph 12(4).

## **2 Scope**

This policy applies to all categories of RNCM employees who are employed under a permanent or fixed term contract, including holders of Senior Posts<sup>1</sup> (who are subject to the procedures related to Senior Post-holders set out in paragraph 10), but excluding those within their probationary period, who are covered by the RNCM Probationary Policy.

This policy provides for the Principal to be responsible for the suspension and dismissal of staff other than the holders of senior posts. The exercise of these powers may be delegated in accordance with the Articles of Government, paragraph 8 (8).

All parties involved in these procedures must ensure that they maintain, as appropriate, the confidentiality of the process within and outside the RNCM.

Issues of underperformance should be addressed in line with RNCM's Capability Policy on managing under-performance.

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<sup>1</sup> Holders of senior posts are those posts referred to in the Articles of Government - "the holders of senior posts" means the Principal, and the holders of such other senior posts as the Board may determine, and "holder of a senior post" shall be construed accordingly.

In applying this policy, the RNCM will not discriminate on any unlawful grounds including but not limited to the grounds of age, disability, gender-reassignment, marriage and civil partnership, pregnancy and maternity, race, religion and belief, sex, and sexual orientation. The RNCM will also have due regard to its duties to secure freedom of speech within the law for staff, students and visiting speakers, as required by the OfS Free Speech Regulatory Framework which will include a requirement that any complaint involving speech or expression will trigger a free speech assessment, using the OfS three-step test.

### **3 Misconduct and Gross Misconduct**

It is not possible to produce an exhaustive list of conduct that the RNCM would consider constitutes 'misconduct' or 'gross misconduct', however Appendix B indicates conduct that is likely to result in disciplinary action.

### **4 Criminal charges or convictions**

Employees must notify the RNCM through the Human Resources department as soon as possible if they have been charged or convicted of a criminal offence. If it later comes to light that an employee has failed to declare a criminal charge or conviction, this may lead to disciplinary action.

Criminal charges outside of employment with the RNCM will not be treated as an automatic reason for disciplinary action. In circumstances where the alleged offence is one which would render the employee unsuitable for the type of work they are required to undertake, or brings the RNCM into disrepute, the employee may be suspended on full pay pending the outcome of the criminal action or the RNCM's investigation, as appropriate. The RNCM reserves the right to investigate an alleged or unproven criminal act under the disciplinary procedures separately from any criminal case being pursued or having been concluded.

If a criminal conviction results in imprisonment, the RNCM will be entitled to consider whether the contract of employment has been frustrated.

### **5 Persons authorised to impose disciplinary action**

For the purposes of this procedure the person who is authorised to take disciplinary action (see Appendix E) will be referred to as the Authorised Person. This includes the authority to suspend employees, conduct disciplinary and appeal hearings and impose disciplinary action. The authorised person will be agreed in consultation with Human Resources.

### **6 Informal action**

#### **6.1 Discussion**

It is part of the normal supervisory process that managers bring to the attention of the employees the standards required and any failure to meet those standards.

In cases of minor or isolated instances of misconduct, the line manager should, before considering formal disciplinary action, give consideration to and discuss with the employee:

- Whether there is a contributory problem that may be unrelated to work;
- What the desired standards of conduct are;
- Whether there is any training or other type of support that can be provided to help improve conduct.

The purpose of the discussion is to ensure that the employee understands the nature of the concerns, expectations of improvements in conduct and, where appropriate, timescales and the nature of any support available.

Where informal action does not bring about an improvement or where an act of misconduct is considered too serious to be classed as minor, formal action will be initiated.

## **6.2 Records**

The line manager will make a record of any informal discussion using the template in Appendix C and send it to [human.resources@mcm.ac.uk](mailto:human.resources@mcm.ac.uk). HR will write to the employee, enclosing a copy of the informal record, which will be held on the employee's file for a period of up to a maximum of twelve months. These records may be used in subsequent formal procedures if necessary.

## **7 Formal action**

### **7.1.1 Fact finding - Reporting a Need for Formal Action**

When a potential disciplinary matter arises, it is the responsibility of the Head of School / Department, or line manager (depending on the nature of the case) to arrange a fact-finding exercise to establish whether the circumstances merit a full disciplinary investigation.

An effective fact-finding exercise is a preliminary high-level review of the matter based on available information which will allow the manager to assess whether there is any substance to the allegations, whether it is something that can be dealt with informally or whether it is likely that formal disciplinary procedures will require to be initiated.

Fact-finding is a crucial stage in the process as it may result in avoiding an unnecessary, time consuming and potentially distressing investigation process.

Where it is alleged that an act(s) of misconduct has been committed, the line manager will report the need for formal action to the Head of School/Department, and to HR using the template document (see Appendix D).

### **7.1.2 Potential Outcomes from the Fact-Finding exercise**

The Manager may then decide to:

- Take no further action; or
- Informal action (see section 6); or
- Arrange counselling or some other form of support mechanism; or
- Arrange for a full disciplinary investigation to be carried out as soon as is practicable to determine whether there is a need for a disciplinary hearing.

The extent of the investigation will be determined by the nature and complexity of the allegations and the information already available. In relatively straightforward cases the information already available may be sufficient in itself to enable the Authorised Person (in liaison with Human Resources) to decide whether there is a case to answer.

### **7.1.3 Disciplinary Investigation**

In all cases, the facts must be established via an investigation prior to the commencement of formal disciplinary action. All investigations should be carried out in a timely manner as possible and include comments from the employee involved in the matter. Witnesses may be called to provide information to the investigation and such information will normally be made available to all parties in advance of any meeting to discuss the findings.

An Investigating Officer will be appointed as detailed below to investigate the matter and produce a statement / report of their findings. The Investigating Officer will not subsequently act as the person authorised to take disciplinary action as identified in Appendix D.

Prior to investigation, advice should be sought from the HR Department in the first instance about who should undertake the investigation.

#### **7.1.4 Sickness absence during an investigation**

*Short term absence* of the employee who is the subject of the investigation – the investigation will continue during the employee's absence (e.g. meeting with other relevant parties to gain witness statements and gathering evidence to establish the facts of the case), with the employee participating on their return to work.

*Long term absence* of the employee who is the subject of the investigation – it may not be reasonable to postpone the investigation until the employee returns to work.

The following will be considered:

- Rearrangement of a meeting to another date within a reasonable timeframe
- Seeking medical advice from Occupational Health
- Alternative ways of participating in the investigation, which could include holding a meeting via telephone, meeting at a neutral location, or submitting a written statement.

If the employee does not respond to reasonable requests to participate in the investigation process, a decision may be made to conclude the investigation with the evidence available.

#### **7.1.5 Appointment of an Investigating Officer**

The Investigating Officer, appointed by HR, will conduct a full investigation ensuring that all the facts are available. The role of an investigator is to be fair and objective so that they can establish the essential facts of the matter. An investigator should do this by looking for evidence that supports the allegation and evidence that contradicts it.

It is not an investigator's role to prove the guilt of any party but to investigate if there is a case to answer.

It should be made clear to the employee involved in an investigatory meeting that it is not a disciplinary hearing. No disciplinary action will be taken until a full investigation has been completed.

The duration of the investigation will be dependent on the nature and complexity of the allegations and the scope of witnesses to be interviewed.

After considering the relevant statements, documentation and interviews the Investigating Officer will produce a statement / report stating all the facts. This will be submitted to and considered by the Authorised Person. The report will form the basis on which the Authorised Person makes a decision on the need for a disciplinary hearing and, if necessary, suspension of the employee. If it is decided that a disciplinary hearing is required, this will take place as soon as is reasonably practicable.

During the investigation, the Investigating Officer will receive support provided by a member of the HR Department.

Where the investigation is in relation to a member of Executive Committee or Head of Department/School, the Authorised Person will appoint another manager at the same, or higher,

level to conduct the investigation or another suitable independent person, either from the Board or external to the RNCM.

## **7.2 Suspension**

**7.2.1** The Authorised Person, under authority delegated by the Principal, may after careful consideration suspend the employee on full pay, after consultation with HR, pending the outcome of the investigation or disciplinary hearing. Suspension will always be a last resort, circumstances where this may be appropriate include:

- Where time is needed to carry out the investigation and the circumstances are such that it is not appropriate for the employee to be at work whilst the investigation is carried out.
- Where there has been an allegation of gross misconduct which, if proven may lead to dismissal.
- Where it is considered that there is a potential health and safety risk.
- Where it is considered that the reputation of the RNCM may potentially be damaged if the employee remains at work.

**7.2.2** The decision to suspend will be communicated in writing to the employee, with a clear statement of the reason(s) for the suspension. The employee should be informed that suspension is not considered a disciplinary action and does not involve any pre-judgement about the outcome of the investigation and subsequent disciplinary hearing. The employee must also be advised that whilst suspended they should not enter RNCM premises unless invited to do so by the Manager or other person(s) who will be specified in the letter confirming the suspension.

**7.2.3** Contact will be maintained with the employee throughout the period of suspension to keep them informed of the investigation. If suspended the employee will only be allowed to contact the RNCM through a nominated person and must not contact other employees, clients and contacts of the RNCM whilst on suspension unless authorised to do so. If suspended, the employee must be available to attend any fact-finding interview called during the suspension period.

**7.2.4** If the employee wishes to enter RNCM premises, they should contact the Manager clearly stating the reasons why, and the Authorised Person will determine, in consultation with HR, whether or not it is reasonable to approve this, and under what conditions this may occur.

**7.2.5** The period of suspension should be kept to a minimum and under review. An employee who has been suspended for three weeks or more may appeal in writing to the Principal, who should investigate (or delegate the investigation to another senior manager) and respond in writing within 5 working days stating clearly the reason(s) the suspension is continuing, or lifting the suspension where it is no longer deemed to be appropriate.

**7.2.6** Whilst on suspension an employee's contractual terms and conditions will continue to apply.

## **7.3 Disciplinary Hearing**

### **7.3.1 Notification**

If the findings of the disciplinary investigation result in the Authorised Person deciding that a disciplinary hearing should take place, the employee should be given a minimum of 5 working days written notice of the disciplinary hearing.

The letter should include:

- The time, date and place the hearing will take place.
- The alleged offence and reasons why this is not acceptable behaviour.
- A statement that the allegation will warrant dismissal if substantiated where appropriate.
- The right to be represented or accompanied (see 7.3.4).
- Who will be present at the hearing and their role (e.g. Authorised Person, Secretary, witness etc).
- Copies of relevant documentation that will be produced at the hearing to present the case against the employee (e.g. copies of witness statements, supporting work related documents etc.).
- Where the RNCM intends to call relevant witnesses to supplement any witness statements it will inform the employee in the notification letter. If the employee intends to call witnesses the names and status of any intended witnesses should be notified to the RNCM as soon as possible and in any event at least 48 hours before the hearing.

### **7.3.2 Postponement**

- i) Where an employee's representative cannot attend on a proposed date, the employee can suggest another date so long as it is reasonable and is not more than 5 working days after the date originally proposed by the employer. The 5 day time limit may be extended by mutual agreement.
- ii) Where either party fails to attend the hearing due to circumstances outside of their control which were unforeseeable at the time the meeting was arranged (e.g. illness) the RNCM will arrange an alternative date. A decision may be taken in the employee's absence if they fail to attend the re-arranged meeting without good reason.
- iii) Where an employee is signed off on long term sick, a decision may be made, where appropriate, to proceed with the hearing in their absence if the employee is unable to attend. The employee will be provided with copies of documents that will be used at the hearing and will be offered the opportunity to submit written information for consideration at the hearing.

### **7.3.3 Conducting the disciplinary hearing**

Appendix E provides guidelines for those involved in a disciplinary hearing.

### **7.3.4 Right to be accompanied**

In line with the ACAS code of practice, the employee must choose their companion from one of the following:

- a work colleague
- a workplace trade union representative who's certified or trained in acting as a companion
- an official employed by a trade union

The RNCM will make reasonable adjustments for disabled employees. This might mean allowing someone else to attend, for example a support worker or someone with knowledge of the disability and its effects.

The RNCM may allow companions who do not fall into the above categories and employees should seek approval from the RNCM beforehand.

### **7.3.5 Disciplinary hearing outcome**

Before reaching a conclusion, the Disciplinary Panel members should take account of the employee's disciplinary and general record; length of service; actions taken in any previous similar case; the explanation(s) given by the employee; and whether the intended disciplinary action is reasonable under the circumstances.

A disciplinary hearing will conclude with one of the following outcomes:

- No case to answer and therefore action under the disciplinary procedure will cease; or
- Suspension (or to extend suspension where an employee is already suspended) pending further investigation; or
- Issue of a formal warning in line with the guidelines below; or
- Issue of a final written warning; or
- Dismissal or some other sanction.

### **7.4 Disciplinary Sanctions**

There are three levels in the formal disciplinary procedure with various sanctions dependent upon the gravity of the case and/or the on-going nature of the misconduct.

#### **a) Level One - Formal Written Warning**

This is usually given if there has been either a minor breach in conduct which remains unresolved by informal action, or a first more serious breach of discipline. A record of the warning/improvement note will be kept on file and used as the basis for monitoring and reviewing conduct over the specified period, but it will normally be disregarded for disciplinary purposes after 12 months, subject to achievement and sustainment of satisfactory conduct.

#### **b) Level Two - Final Written Warning**

If the employee does not meet the required standard of conduct set out in level one or commits any other act of misconduct during the timescale of an existing warning, a further formal disciplinary hearing may be convened under level two of this procedure. In some circumstances, where an alleged misconduct is sufficiently serious, it may be appropriate to progress straight to level two of this procedure. A record of the written warning will be kept on file but it will normally be disregarded for disciplinary purposes after 24 months, subject to achievement and sustainment of satisfactory conduct.

c) Level Three – Dismissal or some other sanction

If allegations are raised which are so serious as to constitute gross misconduct, such as those in Appendix B, it will be appropriate to consider taking formal action under level three of this procedure.

It may also be appropriate to move to level three if an employee does not meet the required standard of conduct set out in the final written warning given under level two of this procedure or commits any other act of misconduct during the timescale of an existing warning.

Dismissal – an employee should not be dismissed for a first disciplinary offence unless it is a case of gross misconduct. The employee will be served with and paid the appropriate amount of notice.

Other Sanction – where dismissal is appropriate, but significant mitigating factors exist, one or more of the following may be substituted for dismissal, together with an appropriate final written warning:

- Demotion to a post at a lower grade, and an immediate corresponding reduction in salary and grade associated benefits.
- Salary sanction within grade, e.g. to withhold an increment.
- Extension to the period of the final written warning up to 5 years.

Summary Dismissal - If, after investigation it is confirmed that the employee has committed an offence that is considered an act of gross misconduct the normal consequence will be dismissal without notice or payment in lieu of notice.

## 7.6 Notification of Disciplinary / Dismissal Hearing Outcome

The outcome of the disciplinary/dismissal hearing will be confirmed in writing to the employee within 5 working days.

a) First Formal Written Warning/Final Written Warning/Other Sanction

The notification will identify:

- The nature of the misconduct/behaviour.
- The improvement/change in behaviour required.
- The disciplinary sanction given including the level and the length of time the warning will remain “live”.
- The consequences of any further failure to adhere to acceptable standards of conduct. In cases where a final written warning is given it should be made clear that further formal disciplinary action may result in dismissal.
- The timescale for achieving the improvement and a review date.
- Any support that will be provided to assist the employee.
- Right of appeal.

b) Dismissal/Summary Dismissal

The notification will identify:

- Reasons for the dismissal.
- The appropriate period of notice (not applicable to summary dismissal).
- Payment of any outstanding leave entitlement.

- The date on which the employment contract will terminate.
- Right of appeal.

## **8 Right of appeal**

### **8.1 Application**

An employee has a right of appeal following the outcome of a disciplinary meeting on one or more of the grounds below.

An employee who wishes to make an appeal should submit their request in writing normally within seven calendar days of issue of the disciplinary decision to [human.resources@ncm.ac.uk](mailto:human.resources@ncm.ac.uk).

You must explain the grounds for your appeal which must be based on one or more of the following:

- A failure to follow procedure had a material effect on the outcome, or the process was flawed in some significant way.
- you have some new evidence that was not available at the time of the Disciplinary Hearing - if you have new evidence, you should ideally submit this with your appeal letter, but additional evidence will be accepted up to one calendar week after you submit the appeal letter.
- the sanction imposed was too severe.

If relevant grounds are not provided, the appeal will not be taken further.

### **8.2 Appeal Hearing**

You will be given at least one calendar weeks' notice of the hearing which will normally take place within four calendar weeks of your letter being received by Human Resources.

An appeal hearing will follow the same format as the disciplinary hearing. A more senior manager who has not had significant previous involvement in the case will hear an appeal against disciplinary action less than dismissal, and a panel of senior managers who have not had significant previous involvement in the case will hear an appeal against dismissal (see Appendix D). Records and notes of the original disciplinary meeting will be made available to the person(s) hearing the appeal.

The employee will be informed of the arrangements for the hearing as soon as possible and of his/her right to be represented by a trade union representative or accompanied by a work colleague of their choice.

- i) Where an employee's representative cannot attend on a proposed date, the employee can suggest another date so long as it is reasonable and is not more than 5 working days after the date originally proposed by the employer. The 5 day time limit may be extended by mutual agreement.
- ii) Where either party fails to attend the hearing due to circumstances outside of their control which were unforeseeable at the time the meeting was arranged (e.g. illness) the RNCM will arrange an alternative date. A decision may be taken in the employee's absence if they fail to attend the re-arranged meeting without good reason.

### **8.2.1 Appeal Hearing Outcome**

An appeal hearing can conclude with one of the following outcomes:

- To uphold the decision of the original hearing.
- To impose a lesser penalty.
- No case to answer, in which case all record of the disciplinary hearing and appeal will be disregarded.

If an employee has appealed against a decision to dismiss and the result of the appeal is to impose a lesser penalty or that there is no case to answer, all of the employee's contractual pay for the period between the date of dismissal and the appeal will be paid at the earliest opportunity.

The appeal decision and the reasons for it will normally be confirmed in writing to the employee within seven calendar days. The notification will identify that the decision is the final stage of the RNCM's appeals procedure.

The decision of the Appeal Panel is final.

## **9 Disciplinary records**

Records taken and produced during the disciplinary process will be held confidentially within the Human Resources Department in accordance with the General Data Protection Regulations 2018.

Copies of meeting records should be given to the employee including copies of any meeting notes that may have been taken. However, in certain circumstances (for example to protect a witness) the RNCM may withhold some information.

## **10 Provisions relating to the holders of senior posts**

- 10.1** The Articles of Government define the 'holders of senior posts' (HSPs) as the Principal, the Clerk to the Board, and the 'holders of such other senior posts as the Board may determine'. Currently, the Board has not determined that any other senior post in the RNCM should have this status.
- 10.2** A defining characteristic of an HSP is that the appointee is appointed directly by the Board and is directly accountable to the Board for the performance of his/her duties. The Articles of Government (paragraphs 3(2)(f) and 8(7)) specify that the Board is responsible for the appointment, grading, suspension, dismissal and determination of the pay and conditions of HSPs, and the extent to which such authority may, or may not, be delegated by the Board.
- 10.3** The Articles of Government also authorise the Board to prescribe by Regulation (i.e. through this Disciplinary Policy – see paragraph 1) disciplinary procedures for members of staff, including HSPs. Whilst the inclusion of HSPs within the overall terms of this Policy should not be taken to infer that the Board has delegated its authority to take disciplinary action against an HSP, the Board has agreed that where the procedures provided for elsewhere in the Policy do not conflict, or are otherwise inconsistent, with the Board's obligations to HSPs as set out in Article 3(2)(f), they should also be applicable to HSPs. Thus, the procedures set out in paragraphs 10.4 to 10.9 below represent where and how, by necessity, they should differ from those applicable to all other staff in the RNCM.
- 10.4** For the purpose of Informal Action (see paragraph 6), the 'line manager' of an HSP is the Chair of the Board.

- 10.5** For the purpose of Formal Action (see paragraph 7.1.1 and Appendix D), the person authorised to take disciplinary action (the 'Manager') is the Deputy Chair of the Board, acting with the knowledge of the Board.
- 10.6** For the purpose of a Disciplinary Investigation (see paragraph 7.1.3), the Investigating Officer is an independent member of the Board, normally the Chair of the Audit Committee, supported as required by the Secretary to the Board (if not the subject of the investigation) and/or the Director of HR.
- 10.7** For the purpose of a Disciplinary Hearing (see paragraph 7.3) the Deputy Chair will convene a panel consisting of, in addition to him/herself, two other independent members of the Board having no significant prior involvement in the case appointed by the Chair of the Board, in consultation with the Secretary to the Board (if not the subject of the hearing) and/or the Director of HR.
- 10.8** For the purpose of an Appeal Hearing (see paragraph 8.2), the Chair of the Board, acting with the knowledge of the Board, will convene a panel consisting of, in addition to themselves, two other independent members of the Board having no significant prior involvement in the case appointed by him/her, in consultation with the Secretary to the Board (if not the subject of the hearing) and/or the Director of HR.
- 10.9** In respect of Formal Action, the participation of the HR Department, as required, will be through the Director of HR.

**11** **Related policies**

- [Grievance Policy](#)

Where an employee raises a grievance (or grievances) which, in the opinion of Human Resources, is linked either to the issues which have given rise to the disciplinary action or to the manner in which the disciplinary procedure has or is being conducted, the RNCM may determine that the employee's complaint be considered and addressed within the operation of the disciplinary procedure.

- [Dignity at Work](#)
- [Capability Policy](#)

# ROYAL NORTHERN COLLEGE OF MUSIC

## *POLICY APPROVAL/REVIEW PROCESS*

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### AMENDMENTS SINCE DRAFT

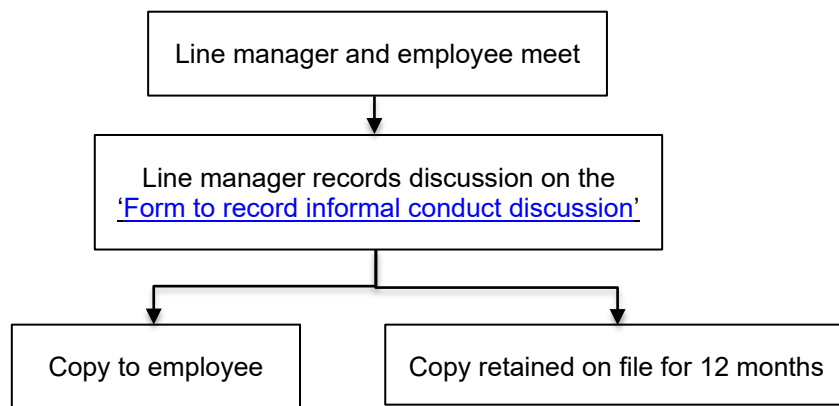
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### Approvals

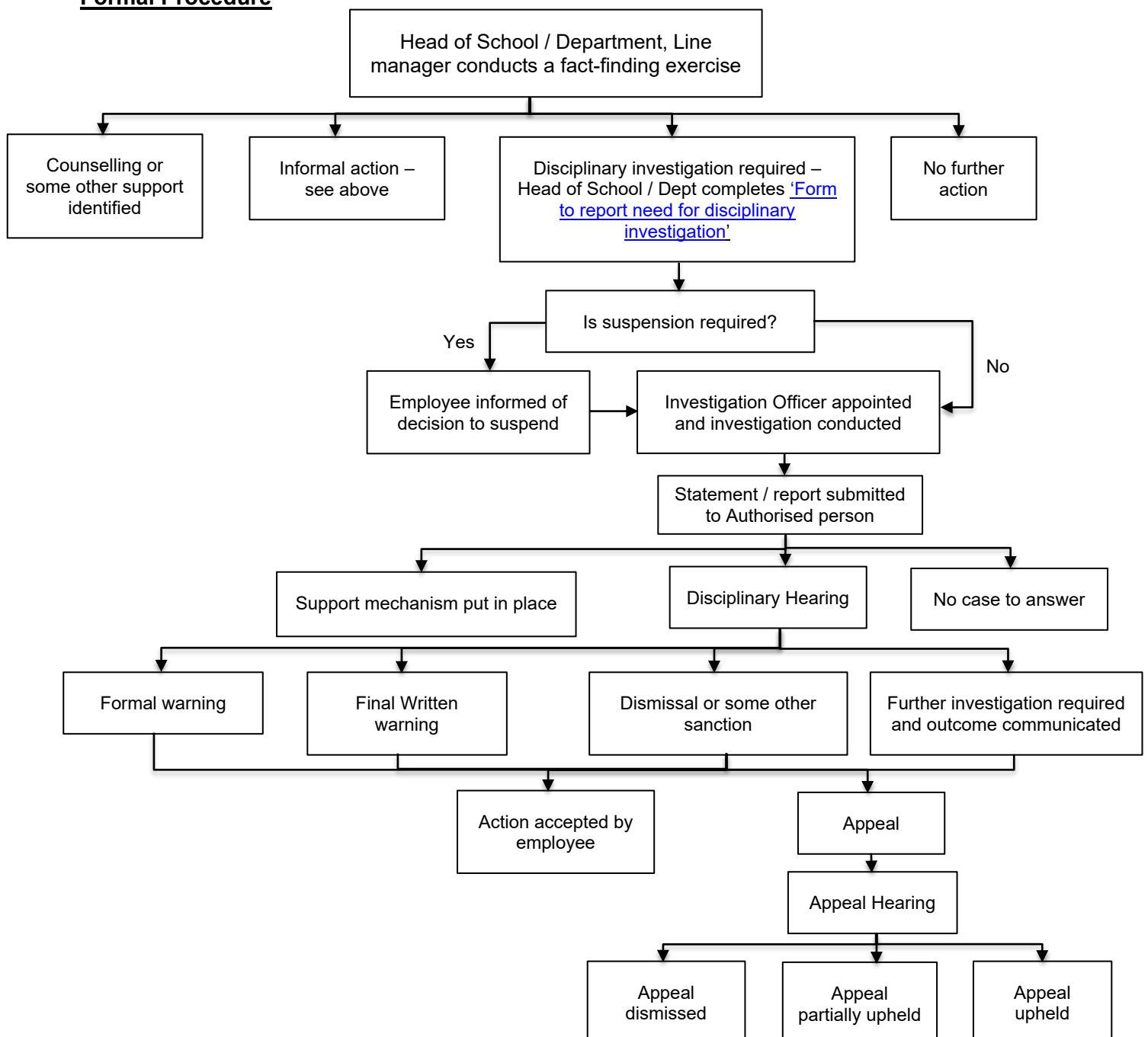
This document requires the following approvals.

Name/Committee	Date	Version
Remuneration and Human Resources Committee	11 March 2026	1
Executive Committee	16 March 2026	2

**Informal Procedure**



**Formal Procedure**



## **EXAMPLES OF MISCONDUCT AND GROSS MISCONDUCT**

Typical examples of misconduct include but are not limited to:

- Disruptive behaviour.
- Unauthorised absence, or unacceptable attendance or punctuality.
- Insubordination, a failure to follow a reasonable management instruction.
- A failure to follow approved rules, regulations and procedures.
- Misuse of RNCM facilities.
- Unauthorised use of telephone, email and internet system.
- Misuse of RNCM, client or supplier's premises and/or property.
- Leaving the place of work without authority.
- Persistent absence or sickness.
- Taking extended/unauthorised breaks.
- Failure to adhere to safeguarding responsibilities in relation to students or vulnerable groups.

Typical examples of gross misconduct include but are not limited to:

- A breach of the RNCM's policy on relationships involving RNCM staff and students.
- A breach of the RNCM's policy on physical contact between RNCM staff and students.
- Any other act or omission that repudiates the contract of employment and/or leads to loss of trust and confidence in an employee, and their ability to fulfil the duties for which they are employed.
- Abuse and/or wilful damage to RNCM property.
- Physical or verbal assault on a fellow employee, student or visitor to the RNCM.
- Violent, abusive or intimidatory conduct.
- A breach of Health and Safety regulations.
- Being unfit for duty because of the misuse/consumption of drugs or alcohol
- Distributing alcohol or illegal drugs at work.
- Conduct (including charges or convictions relating to a criminal offence) which might reasonably bring the name of the RNCM into disrepute.
- Fraud or dishonesty.
- Falsification of RNCM documents and records and other fraudulent behaviour.
- Theft of property belonging to the RNCM, a fellow employee, student or visitor to the RNCM.
- A breach of confidentiality.
- Unlawful discrimination, bullying or harassment including sexual harassment of a fellow employee, student or visitor to the RNCM.
- Victimisation of a fellow employee, student or visitor to the RNCM.
- Failure to adhere to the RNCM's IT agreement or Social Media Policy.
- Serious negligence which causes unacceptable loss, damage or injury.
- Deliberate accessing of internet sites containing pornographic, offensive or obscene material.
- Bribery; any act of bribery covered by the Bribery Act 2010.
- Serious instances of those examples listed above under "misconduct".

It is important to note that items listed under 'gross misconduct' may not warrant immediate dismissal. The decision to dismiss will be dependent on the circumstances of the case. Similarly, items listed under 'misconduct' may, dependent on the circumstances of the case, be considered serious enough to warrant dismissal.

### Form to record informal conduct discussion

This form is to be completed when holding an informal meeting with an employee over an aspect of their conduct that has been unsatisfactory. Please refer to the [Staff Disciplinary Policy](#).

<b>Employee name</b>	Employee name
<b>Job title</b>	Employee job title
<b>Department / School</b>	Department or School
<b>Line manager</b>	Line manager name
<b>Date of discussion</b>	Select date
Reason for discussion	
What has prompted the need for the discussion	
Expectations moving forwards	
What are the expectations moving forward	
Additional comments	
Any additional comments	
<p>This informal meeting note will be placed on file as confirmation of the discussion of the above issue(s) or concern(s) and actions required to rectify the issue(s) or concern(s).</p> <p>Failure to adhere to the terms set out above and repeated incidents will result in the commencement of the formal disciplinary procedure.</p>	
<p>The completed form should be sent to <a href="mailto:human.resources@rncm.ac.uk">human.resources@rncm.ac.uk</a> and cc the employee.</p>	

### Form to report need for disciplinary investigation

This form is to be completed when you have undertaken an initial fact finding exercise and now consider that a full investigation is required in line with the [Staff Disciplinary Policy](#).

<b>Employee name</b>	<a href="#">Employee name</a>		
<b>Job title</b>	<a href="#">Employee job title</a>		
<b>Department / School</b>	<a href="#">Department or School</a>		
Assessment of the situation <ul style="list-style-type: none"> <li>• <b>Credible evidence</b> or a formal complaint.</li> <li>• <b>Breach of policy</b> (e.g., misconduct, harassment, fraud, etc.).</li> <li>• <b>Impact</b> on the company, team, or individual well-being.</li> </ul>			
<a href="#">Please give a summary of what has been reported</a>			
What are the concerns <ul style="list-style-type: none"> <li>• <b>Nature of the allegation.</b></li> <li>• <b>Date/time/location</b> of the incident(s).</li> <li>• <b>Individuals involved.</b></li> <li>• <b>Any supporting evidence</b> (emails, witnesses, etc.).</li> </ul>			
<a href="#">Please give details</a>			
Line manager recommendation			
<input type="checkbox"/> Take no further action <input type="checkbox"/> Informal action (see section 6) <input type="checkbox"/> Arrange for a full disciplinary investigation to be carried out as soon as is practicable to determine whether there is a need for a disciplinary hearing. <input type="checkbox"/> Other (please contact HR to discuss)			
Ensure all communications and actions are: <ul style="list-style-type: none"> <li>• <b>Confidential</b> and shared only with relevant parties.</li> <li>• <b>Respectful</b> of all individuals involved</li> </ul>			
Completed by:	<a href="#">Name</a>	Date:	<a href="#">Select date</a>
<b>The completed form should be sent to the Head of School / Department and <a href="mailto:human.resources@rncm.ac.uk">human.resources@rncm.ac.uk</a>.</b>			

**PERSONS AUTHORISED TO TAKE DISCIPLINARY ACTION \***

<b>Level of disciplinary action</b>	<b>Member of staff against whom disciplinary action is proposed</b>	<b>Authorised Person(s)</b>
Suspension	Member of Executive Committee	Deputy Principal and Artistic Director (DPAD) or their nominee. If action is against the DPAD then the authorised person will be the Principal.
	Member of academic/professional services staff	Head of School/Department/ Member of Executive Committee/DPAD
Action less than dismissal	Member of Executive Committee	Deputy Principal and Artistic Director (DPAD) or their nominee. If action is against the DPAD then the authorised person will be the Principal.
	Member of academic/professional services staff	Head of School/Department/ Member of Executive Committee / DPAD
Formal dismissal	Member of Executive Committee	Deputy Principal and Artistic Director (DPAD) plus one other senior member of staff or external nominee #
	Member of academic/professional services staff	Head of School/Department/Member of Executive Committee, plus one or two other manager(s)/academic(s) at equivalent or higher level.
Appeal against action less than dismissal	Member of Executive Committee	Principal or nominee
	Member of academic/professional services staff	Head of School/Department/ Member of Executive Committee / DPAD
Appeal against dismissal	Member of Executive Committee	Principal in the Chair, plus one or two other senior members of staff or external nominees
	Member of academic/professional services staff	Member of Executive Committee in the Chair plus one or two other senior members of staff

\*This list is illustrative and not exhaustive. The principles are that:

- A sufficiently senior line manager can deal with all actions up to dismissal or can nominate a deputy as the manager authorised so to deal.
- Sufficiently senior line managers can deal with dismissal in conjunction with a person of similar or higher seniority.
- Persons authorised to take action at each stage must have no previous significant involvement in the case.
- A member of Human Resources will be consulted and will advise on the appropriate authorised person at each stage.
- Where circumstances prevent one or more steps being taken within a reasonable period (e.g. long-term ill-health of an authorised person), another suitable authorised person may be appointed to continue the procedure.
- # An external nominee may be a Member of the Board, of the legal or HR profession, or of another relevant profession, with significant knowledge and/or experience of HE.

## **Guidelines on the conduct of disciplinary / dismissal hearings**

The following guidelines provide an outline of the stages that should be followed when conducting a disciplinary hearing.

### **1. Introductions**

The Chair of the panel should introduce all parties and explain the complaint/allegations.

A member of the Human Resources department must be present during the hearing to give professional advice to the Panel and may contribute where necessary.

The Panel may ask questions of either party at any stage during the hearing.

### **2. Purpose of the hearing**

The Chair should advise those attending that the purpose of the hearing is to consider whether disciplinary action should be taken in accordance with the RNCM's Disciplinary Policy and Procedure.

The Chair should outline to all parties the format that the hearing will take.

### **3. Statement of Allegation**

The Chair should clearly state the allegations and any evidence that has been gathered that supports the allegations.

Evidence presented may include:

- Investigation report.
- Witness statements.
- Appearance at the hearing of witnesses.
- Other written documentation/reports.
- Other forms of evidence deemed relevant to the case.

In cases where there is a dispute over the relevance of the evidence the Chair's decision will be final.

### **Witnesses**

Where a witness is called, the party who has called the witness will be given the opportunity to ask questions of the witness first, followed by the other party. The Panel can ask questions of the witness at any time.

If more than one witness is being called, each witness should be called separately and not allowed to converse immediately before the hearing or afterwards until all evidence has been presented and considered.

### **4. Right of Reply**

The employee should be given the opportunity to respond to the allegation(s) and present their case together with any evidence that they feel is relevant. They should be allowed to ask questions and given an opportunity to raise points about any information provided by witnesses. If the employee is being represented, then the representative may speak on their behalf.

### **5. Summing Up**

Once both parties have presented their cases, each party should have the opportunity to sum up their case.

### **6. Adjournment**

The meeting will be adjourned to allow the panel to consider the evidence presented. If any further information or clarification is required on the evidence presented, the Chair will seek the information necessary at the earliest opportunity.

**7. Decision**

After the discussion the Chair will adjourn the hearing so that the Panel can consider all they have heard. Parties will normally be called back to the hearing after the adjournment to be told the outcome. If the Panel needs more time to consider the case the employee will be told when they will hear the outcome.

**8. Records**

A note will be taken of all disciplinary hearings which will be typed as soon as possible after the hearing. The typed notes will always be made available in advance of any appeal hearing.