



Royal Conservatoire *of* Scotland

Disciplinary and Dismissal Policy and Procedure

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DISCIPLINARY AND DISMISSAL POLICY AND PROCEDURE

1. Introduction

It is important that all Conservatoire staff are aware of the requirement to abide by all the Conservatoire's policies and this policy links in to other Conservatoire policies, including the Performance Improvement Policy and also outlines the process if it is necessary to discipline and ultimately to dismiss staff.

2. Purpose

This policy is designed to help and encourage you to achieve and maintain standards of conduct, attendance and job performance. This policy outlines the process that will be used if you fail to achieve and maintain the required standards.

3. Scope

The Conservatoire's Disciplinary and Dismissal Policy applies to all staff. The aim of this policy is to ensure consistent and fair treatment for all at the Conservatoire.

4. Principles

Informal action will be considered, where appropriate, to resolve problems. For formal action you will be advised of the nature of the complaint against you and will be given the opportunity to state your case before any decision is made at a disciplinary meeting.

You will be provided, where appropriate, with written copies of evidence and relevant witness statements in advance of a disciplinary meeting. At formal stages of the procedure you will have the right to be accompanied by a trade union representative, or work colleague. You will have the right to appeal against any formal disciplinary action. The procedure may be implemented at any stage if your alleged misconduct warrants this.

5. The Procedure

The Conservatoire's Disciplinary and Dismissal Procedure can result in the following actions being taken. The decision as to the appropriate action will depend on the circumstances of individual cases, and will be decided once a full investigation has taken place. Appendix A details the offences which may be considered as misconduct or gross misconduct.

The Informal Stage

If it is agreed that the unsatisfactory performance or misconduct is minimal, or it is the first occurrence, you may be given an **Informal Improvement Note**. This informal improvement note will identify the change in behaviour or the improvement in performance required in writing, and will provide a timescale for the change or improvement. This informal warning will explain the potential consequences of failure to change your behaviour or improve your performance. This will be recorded by your line manager for a period of **6 months**.

Informal Improvement Notes will normally be issued by the line manager directly to the staff member.

The First Formal Stage

This will normally be either:

- An **Improvement Note** for unsatisfactory performance if performance does not meet acceptable standards. This will set out the performance problem, the improvement that is required, the timescale, any help that may be given and the right of appeal. You will be advised that it constitutes the first stage of the formal procedure. A record of the improvement note will be kept on your personal file for **12 months**, but will then be considered spent by the Human Resources Department – subject to achieving and sustaining satisfactory performance

Or

- A **First Written Warning** for misconduct if conduct does not meet acceptable standards. This will be in writing and set out the nature of the misconduct and the change in behaviour required and the right of appeal. The warning will also inform you that a final written warning may be considered if there is no sustained satisfactory improvement or change. A record of the warning will be kept on your personal file, but it will be disregarded by the Human Resources Department for disciplinary purposes after a specified period (e.g. **12 months**).

Formal Improvement Notes or First Written Warnings will be issued by the line manager following a disciplinary hearing. Where the hearing is not heard by the line manager, a suitable alternative manager will conduct this with the support of the HR department.

The Second Formal Stage

If the offence is sufficiently serious, or if there is further misconduct or a failure to improve performance during the timeframe of a live prior warning, a **Final Written Warning** may be given to you.

This will give details of the complaint, the improvement required and the timescale. It will also warn that failure to improve may lead to dismissal (or some other action short of dismissal) and will refer to your right of appeal. A copy of this written warning will be kept on your personal file but will be disregarded by the Human Resources Department for disciplinary purposes

after **12 months** subject to achieving and sustaining satisfactory conduct or performance.

Final Written Warnings will be issued by the line manager following a disciplinary hearing. Where the hearing is not heard by the line manager, a suitable alternative manager will conduct this with the support of the HR department.

The Third Formal Stage

If there is still further misconduct or failure to improve performance the final step in the procedure may be ***Dismissal or some other action short of dismissal*** such as demotion or disciplinary suspension or transfer (as allowed in the contract of employment).

Dismissal decisions can only be taken by the appropriate senior manager, and you will be provided in writing with reasons for dismissal, the date on which your employment will terminate, and your right of appeal. If some sanction short of dismissal is imposed, you will receive details of the complaint, you will be warned that dismissal could result if there is no satisfactory improvement, and will be advised of your right of appeal. A copy of the warning and details action short of dismissal will be kept in your personal file but will be disregarded by the Human Resources Department for disciplinary purposes after **12 months** subject to achievement and sustainment of satisfactory conduct or performance.

If the concerns regarding your conduct could be considered as gross misconduct or that you continuing in your role whilst the concern/offence is investigated could pose a risk to you or the Conservatoire, we reserve the right to suspend you from work on full pay while the alleged concern/offence is investigated. The suspension will remain in place for the duration of the investigation and any subsequent disciplinary process unless during that timeframe the rationale for suspension changes and the risk was deemed by the Conservatoire to have reduced or can be mitigated. This would however be considered only in exceptional circumstances and it is most likely that a suspension will last until conclusion of the disciplinary process.

Standard timescales

In normal circumstances, we would expect that meetings would be scheduled at 7-10 day intervals allowing for sufficient notice to be provided to those attending meetings i.e.:

- Disciplinary hearing – normally within 7-10 days of consideration of the Investigatory Report or from the date of potential concern occurring/becoming apparent (where investigation is not required).
- Further investigation is required – requests for witness statements or additional meetings set up and conducted within 7-10 days.
- Receipt of Outcome – either at a meeting within 7-10 days of conclusion or via letter where appropriate/necessary.

The HR department will endeavour to support managers and staff to remain within the suggested timeframes noted above. To expedite a process if delays are likely we will work with staff and managers to consider where the use of email, telephone or written correspondence can be considered in place of face to face meetings when availability means they cannot be scheduled within an appropriate timeframe.

If at any stage there is an unexpected or unavoidable delay and no other mechanisms are deemed suitable, all parties will be made aware of the timescale suggested and the reasons why stages of the process cannot be conducted any sooner.

6. Appealing the outcome

Lodging an appeal

If you wish to appeal against a disciplinary sanction, (i.e. a formal disciplinary sanction) you must do so within seven days of the outcome meeting. You should submit your appeal in writing to the HR Department who then take this forward with the appropriate manager as detailed in the letter you receive confirming the outcome of the disciplinary hearing. Appeals should be submitted in writing to the HR Department or if submitted via email, to humanresources@rcs.ac.uk and marked clearly as Confidential – Appeal Documentation.

Your appeal should specifically detail the grounds for your appeal, which may include new information. You must provide detailed information within the appeal letter as this will form the basis of the appeal meeting. The appeal will usually be heard by a senior manager or Director and will take place as soon as reasonably possible. The HR Department will contact upon receipt of your appeal letter to offer a date for the appeal meeting or to agree an appropriate timescale for hearing the appeal depending on your availability and that of the manager hearing the appeal.

The appeal process will have the same format as the disciplinary process. The HR department will write to you on behalf of the individual hearing your appeal, inviting you to attend an appeal hearing. The letter will explain your right to be accompanied at the meeting by either a trade union representative or work colleague, and will also provide you with copies of the appropriate policy.

Appeals will be heard in person however if there is a significant delay due to availability of you or you companion a decision may be made on the basis of the information available including the original investigation and the contents of the appeal letter. If this were to be the case it would be discussed with all parties prior to the decision not to meet being taken.

Appeal Hearing

The meeting will be attended by the senior manager/Director hearing your appeal and a member of the HR department, who will take notes of the meeting. The meeting will commence with an explanation of how the meeting

will be conducted, an overview of the grievance that was raised, the outcome of the grievance, and your grounds for appeal. This is to ensure that nothing has been misinterpreted and that the purpose of the meeting is clear. You will then be given the opportunity to explain your grounds for appeal in full, and to submit any additional information you feel is appropriate and relevant. The individual hearing your appeal will ask questions to gain further clarification as necessary. Once the individual is satisfied that they have sufficient information, the meeting will close. At this point it may be necessary for the individual to meet the manager who heard your original grievance to ask questions in relation to the grievance and the outcome. If this is necessary, you will be made aware of this, and will be given the notes of any such meeting for consideration and response.

Appeal Outcome

Once this has taken place, the individual hearing your appeal will consider all the information and will decide whether your appeal is upheld or not upheld. The manager will advise the HR department of their decision and a letter will be prepared detailing the outcome of the appeal which you will receive either during a follow up meeting or in writing, whichever mechanism ensures you receive the letter as promptly as possible. Once you have received the written confirmation of the outcome, the process will be complete. There will be no further right of appeal.

7. Review

This policy may be subject to change as necessary.

The Director of Human Resources will review the policy and make recommendations on any future developments to this Policy.

8. Document Control Information Overview

Author of Policy:	HR
Accountability:	Director of HR
Department:	Human Resources
Review requirements:	Annually or as required
Committee Requirements:	Major changes to be approved by Consultative Forum, operational changes to be approved by Director of HR and noted by Consultative Forum.
Current Version:	2
Approval Confirmed (date):	12/08/19

Approval Confirmed by: Jackie Russell

9. Document Revision History

Version No.	Version Date	Prepared By	Approved By	Summary
2	20/09/2018	Kate Bowie	Consultative Forum	Updates to timescales, use of witness statements and methods of communication throughout the process
3	12.8.19	Jackie Russell	Consultative Forum	Section 6 Clarification on appeals -(i.e. a formal disciplinary sanction) Examples of gross misconduct. Clarification on a “breach of confidence” , revised to “A serious breach of trust and confidence in the staff member by the RCS”
4	28/07/2021	Kate Bowie	Consultative Forum	Appendix B – use of CCTV

Appendix A

Examples of Misconduct, Gross Misconduct and Unsatisfactory Performance

Misconduct

The following list provides some examples of offences which are normally regarded as misconduct:

- Failure to achieve and maintain the required standards of work;
- Breach of the Conservatoire's Dignity at Work and Study Statement;
- Breach of the Conservatoire's Data Protection Policy;
- Failure to adhere to Conservatoire Policies and Procedures;
- Being under the influence of alcohol or illegal or un-prescribed drugs whilst at work;
- Coming to work under the influence of alcohol or illegal or un-prescribed drugs;
- Drinking on duty except otherwise where permitted to do so;
- Persistent lateness as defined by your immediate supervisor;
- Absenteeism;
- Absence from place of work without permission or reasonable excuse;
- Refusal to carry out a lawful or reasonable instruction;
- Unauthorised sale of goods on Conservatoire premises;
- Persistent and/or malicious mistakes connected with work;
- Disrupting the work of others.

Gross misconduct

The following list provides some examples of offences which are normally regarded as gross misconduct:

- Theft or fraud
- Physical violence and bullying
- Deliberate and serious damage to property
- Serious misuse of the Conservatoire's property or name
- Deliberately accessing internet sites containing pornographic, offensive or obscene material
- Serious insubordination
- Unlawful discrimination or harassment
- Bringing the Conservatoire into serious disrepute
- Serious incapability at work brought on by alcohol or illegal drugs
- Causing loss, damage or injury through serious negligence
- A serious breach of health and safety rules
- A serious breach of the Conservatoire's Data Protection Policy
- A serious breach of trust and confidence in the staff member by the RCS
- A serious breach of the Conservatoire's policies and procedures

Appendix B

Use of workplace monitoring

In the case of suspected criminal activity, misconduct or a breach of RCS policies and procedures, it might be deemed necessary to access electronic records or CCTV footage as part of investigations.

Monitoring of internet and email use (out with the monitoring of operational logs as noted in the RCS Information Security Policy) will not routinely be undertaken however in cases where the institution is made aware of potentially illegal activity being conducted, misconduct or where access is having a detrimental impact on staff performance, it may be deemed necessary for usage reports to be requested from the IT Department. Such reports may contain data relating to time spent online and websites accessed.

Where CCTV footage may be available as a result of RCS security cameras within the campus buildings, this footage may be accessed for the purposes of misconduct investigation if deemed necessary.

Such surveillance is clearly signposted throughout the building and advises that your image is being recorded and may be used for the prevention of crime and/or for internal procedures.

The internal security door system KABA holds electronic records of all rooms accessed, by which user and when. This information can be accessed for the purposes of internal investigations where the institution is made aware of potentially illegal activity being conducted, misconduct or a potential breach of RCS policies and procedures.

Any monitoring of specific individuals (targeted monitoring) will only be undertaken in exceptional circumstances, in appropriately controlled conditions and with adequate justification and oversight.