

Application and scope

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

General provisions

- 2.

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

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

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

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Staff Disciplinary Procedure