

**RCSI**

RCSI Disciplinary Procedure

Purpose

RCSI expects from employees a consistently high standard of behaviour, work performance, attendance, commitment, integrity and honesty. RCSI takes the view that, in the vast majority of cases, individual commitment and performance will be consistent with achieving RCSI objectives. Should difficulties or problems arise, RCSI is committed, on a day-to-day basis, to their resolution in an open, fair, frank and timely manner. The procedure is designed to help and encourage employees to achieve and maintain the required standards of conduct, attendance and job performance and to provide a fair and effective process for dealing with situations where employees fail to comply with these standards from time to time. The procedure will be applied in a fair and reasonable manner with due regard to the rights and responsibilities of the parties concerned.

Scope

The procedure applies to all employees of RCSI, whether full-time, part-time, permanent or fixed-term. However, the procedure does not apply to employees during their probationary period (or any extension thereof).

Policy Statement

The primary objective of the procedure is corrective in nature and seeks to provide the employee with an opportunity, where necessary, to improve conduct and/or job performance to a standard that is acceptable to RCSI. Disciplinary action is appropriate when an employee fails to meet satisfactory standards, including but not limited to the following: conduct, job performance; attendance; time keeping; and the non-observance of RCSI policies and procedures.

At every stage in the procedure the employee will be advised of the nature of the complaint, will be provided with all relevant information and the potential scope of disciplinary action.

The employee is entitled to be represented at all stages of the procedure by his/her Trade Union representative or a work colleague of his/her choice, provided that the proposed Trade Union representative or work colleague is not a party to the issue under examination. No one unconnected to RCSI may represent the employee.

Disciplinary warnings will specify: the standards required; the extent to which the employee's performance or conduct falls short thereof; as far as possible, the remedies required to rectify the situation; and the likely consequences if the required improvement is not forthcoming. All warnings will be placed on the employee's HR file for the duration that they are applicable and, thereafter, will be deemed to have expired.

Disciplinary action will normally be applied in the stages as set out in the procedure but RCSI reserves the right to escalate an issue directly to later stages in the procedure, depending on the nature and circumstances of the issue.

The employee has the right to appeal against any disciplinary sanction imposed.

All matters relating to the procedure are strictly confidential to the parties and their representatives and any breach of this confidentiality may, in itself, result in disciplinary action.

For the purposes of compliance with the Unfair Dismissals Acts 1977 to 2021, this procedure includes the procedure which RCSI will observe in the event of dismissal of any employee.

The procedure may be amended from time to time in line with best practice and any changes in legislation or applicable codes of practice.

Misconduct

Misconduct occurs when an employee's behaviour is below the standard expected. The following is a non-exhaustive list of examples of misconduct which may result in formal disciplinary action:

- Refusal to carry out (or to delay) any reasonable instruction or other disobedience.
- Unauthorised absence, irregular attendance or unsatisfactory timekeeping.
- Breach of RCSI's sickness procedure.
- Neglect of duties or poor performance, including failure to carry out a recognised operational process or safety procedure.

- Any action which is detrimental to other employees or to RCSI's image, including an unprofessional attitude towards students or other employees.
- Gambling or betting on RCSI property, excluding small amounts on football pools, racing, sweepstakes, raffles, lottery, charitable draws, etc.
- Breach of any of RCSI's policies and procedures.
- Smoking in a non-smoking area.
- Unacceptable standards of hygiene or dress.

Serious or Gross Misconduct

Serious or gross misconduct is regarded as behaviour or action on the part of the employee of such a serious nature that it breaches the relationship of trust and confidence between the employee and RCSI. The following is a non-exhaustive list of serious or gross misconduct deemed to be sufficiently serious to warrant summary dismissal, i.e. dismissal without notice or payment in lieu of notice:

- Action or behaviour at work or outside of work likely to bring RCSI into serious disrepute.
- Fraud, theft or other matters relating to dishonesty, such as falsifying expense claims, timesheets or other RCSI records.
- Willful neglect of duties, including incapability due to abuse of alcohol or non-prescribed drugs. Please refer to the RCSI's Intoxicant Policy in this regard.
- Sexual misconduct at work.
- Serious or persistent bullying or harassment of any other employee or individual on any of the prohibited grounds in the Employment Equality Acts 1998 to 2015, i.e. gender, civil status, family status, age, race, disability, sexual orientation, religion, membership of the Traveller community, victimisation and housing assistance.
- Fighting or physical assault.
- Deliberate damage to, misuse or misappropriation of RCSI property or equipment.
- Disclosure of confidential information or documents unless expressly authorised to do so.
- Violence, threatening or grossly offensive behavior towards another employee, a client or member of the public.
- Extreme, persistent or gross negligence in relation to duties as laid down in your terms and conditions of employment.

- Disregard for health and safety procedures and regulations, including committing an act that endangers the safety of others.
- Attendance at work in possession, or under the influence, of non-prescription drugs or alcohol. Please refer to the RCSI's Intoxicant Policy in this regard.
- Conviction of an offence which is inconsistent with your position or renders you unacceptable to other employees.
- Falsification or misrepresentation of a qualification essential for the job.
- Acceptance of financial or other rewards from any third party without disclosure to or approval from RCSI.
- Serious or repeated breach of your terms and conditions of employment or any of RCSI's policies and procedures.
- Conflict of interest.

Suspension

In certain cases, where allegations have been made, including cases of alleged serious or gross misconduct, the employee may be placed on paid suspension to facilitate the investigation and/or potential hearing. No inferences of guilt will be drawn from paid suspension.

Informal Procedure

If the employee's manager (or any other manager) or a member of the HR Department as nominated by the HR Director considers that the employee's behaviour, performance or attendance is unsatisfactory, an informal discussion will be held with the employee, where appropriate. This discussion will focus on the areas that are causing concern. Any explanation given by the employee will be taken into account, and the employee will be encouraged to agree a course of conduct to achieve improvements. These steps may be undertaken as part of the formal appraisal system.

Following this discussion, the employee's behaviour, performance or attendance, as appropriate, will be monitored and the employee will be required to co-operate in this process.

Save in cases of serious or gross misconduct or where minor problems become habitual, RCSI will, in the first instance, address any breach of required standards in an informal manner by way of informal discussion between the employee and his/her manager (or any other manager) or a member of the HR department as nominated by the HR director.

However, where such discussion fails to adequately resolve the issue, the formal procedure as set out below will be invoked. In cases of an apparently serious issue, the informal procedure will be bypassed and the formal procedure will be utilised.

Formal Procedure

Where necessary an investigation may be carried out by or on behalf of RCSI to establish the facts of the case before any disciplinary action is taken by RCSI. This may involve the gathering of detailed information, the review of manual or electronic files, as well as the carrying out of interviews and the taking of written statements. The purpose of the investigation is to establish facts if they are unclear and to determine whether the employee has a case to answer and, if so, whether a disciplinary hearing should proceed.

Once an investigation has concluded, and where applicable, the employee will be informed in writing of the findings and outcome of the investigation and, where the decision is taken to proceed to a disciplinary hearing, the procedures below will apply. Where an investigation concludes that no further action is required, then the employee may be counselled, where appropriate.

At every stage in the formal procedure, and prior to a disciplinary hearing, the employee is entitled to be presented with full details of the complaint or allegations against him/her, the facts that have been established, whether as part of an investigation or otherwise, and to receive copies of all documents and witness statements and any other evidence that will be produced at the hearing. The employee will be given reasonable notice of the scheduled date and time of the disciplinary hearing so that they have an opportunity to prepare.

The purpose of a disciplinary hearing/meeting is for the appointed decision-maker to hear and determine all issues arising in the case against the employee and, specifically, to hear the evidence upon which the allegations are based, the employee's response and/or explanation and to consider any representations that may be made by or on the employee's behalf. The employee will be given a full opportunity to answer the complaint or allegations, to challenge any investigation findings, to comment on the documentation or evidence, to be represented by a Trade Union representative or a work colleague of his/her choice (provided that such person is not a party to the issue under examination), and to put forward any evidence or mitigating circumstances in support of his or her case.

The employee will be notified in writing of the decision reached, including whether any disciplinary action is to be taken.

Employee Rights

In the first instance, the employee will be advised of the nature of the complaint(s)/allegation(s) against him/her and will be given the opportunity to respond to the complaint(s)/allegation(s) at that and each subsequent stage of the proceedings before any decision is made.

The employee will have the right to be accompanied by a Trade Union representative or a work colleague of his/her choice (provided that such person is not a party to the issue under examination) at any disciplinary hearing or appeal hearing.

The employee will have the right to appeal the outcome of any decision arrived at following the proceedings.

No action, other than a precautionary suspension with pay where same is considered necessary or appropriate, will be taken against the employee until the case has been determined by the decision maker. During a period of suspension, an employee will not be permitted to attend at RCSI's premises and/or make contact with employees or customers of RCSI without the prior written consent of RCSI.

It is possible that disciplinary action may be taken by RCSI for more than one reason or at different times and at different stages for different reasons. Therefore while the procedure is normally progressive, RCSI may take action at a stage where the circumstances so warrant. The formal procedure has the following levels of disciplinary action which may apply:

- Stage 1: Verbal Warning
- Stage 2: Written Warning
- Stage 3: Final Written Warning
- Stage 4: Dismissal
- Other Sanctions

Stage 1 Verbal Warning

Following an investigation, the employee's immediate supervisor or, if that is not appropriate, the next relevant manager will issue a verbal warning in instances of minor misconduct, where it is found that the employee's behaviour, attendance or performance does not meet acceptable standards or where the issue otherwise so warrants. The employee will be advised of the reason for the warning, the improvement required, if appropriate any necessary assistance to achieve the improvement and the consequences of failing to achieve improvement or of a

repetition of the behaviour. This warning will be recorded on the employee's personnel file and will remain on file for 6 months.

Stage 2 Written Warning

A written warning will normally be issued by a member of the Human Resources Department in conjunction with the Head of Department/nominee or other relevant person in circumstances of more serious or further misconduct or in the event of failure to achieve the necessary level of improvement of behaviour, attendance or performance following previous warnings. The written warning will advise the employee of:

- The reason for the written warning;
- The action or improvement required;
- If appropriate, any necessary assistance to achieve the improvement;
- When the matter will be reviewed; and
- The consequences of continued unsatisfactory performance/conduct or repetition of the behaviour.

A written warning will remain on the employee's personnel file for a period of twelve months.

Stage 3 Final Written Warning

If, despite Stages 1 and 2, the necessary improvements in behaviour, attendance or performance have not been attained or, should the issue so warrant, the employee will be given a final written warning. The Final Written Warning will state: the reasons for the warning; the improvement required; and the consequences of failing to achieve improvement or of a repetition of the behaviour. It will state clearly that unless necessary improvements in behaviour, attendance or performance are forthcoming, within a specified reasonable period of time, or if another issue so warrants, the employee's employment may be terminated. The warning should be signed by the employee. A final written warning will remain on the employee's personnel file for a period of eighteen months.

Stage 4 Dismissal

Where the previous stages of the disciplinary procedure have been exhausted, the employee may be dismissed and/or, in the event of serious or gross misconduct, the employee may be summarily dismissed, i.e. without notice or payment in lieu.

In a case of dismissal, other than by reason of serious or gross misconduct, notice will be in accordance with the terms of the Minimum Notice and Terms of Employment

Act 1973 to 2005 or the employee's contract of employment, whichever provides the longest. RCSI reserves the right to give the employee payment in lieu of notice.

Other Sanctions

As an addition to the sanction of a final written warning, RCSI may impose other sanctions, including:

- (i) demotion;
- (ii) transfer to another department or location;
- (iii) withdrawal/reduction of privileges or benefits; or
- (iv) suspension without pay for a period of time.

Appeals Procedure

The employee has the right to appeal any decision to impose disciplinary sanction. The employee may exercise this right of appeal by writing to the person nominated in the disciplinary outcome letter within five working days from the date on which the disciplinary outcome is communicated to the employee in writing. The employee must set out the grounds on which he/she/they are appealing.

An appeal meeting will normally then be arranged where the employee will be given the opportunity to explain the basis of his/her/their appeal and where the person hearing the appeal will be entitled to ask further questions and seek clarification. The employee has the right to be represented by a Trade Union representative or a work colleague of his/her/their choice (provided that such person is not a party to the issue under examination) at the appeal meeting.

At the conclusion of the appeal process, the decision of the person hearing the appeal will be given to the employee in writing. There will be no further internal right of appeal available to the employee after this stage.

Where a decision to dismiss is appealed and the decision upheld, the date of termination of employment will be the original date of dismissal and not the date of the outcome of the appeal.

Getting Further Help

The Human Resources department is available to support any member of staff in understanding or implementing the content of this policy and procedure.

Policy Review

The Human Resources Department will ensure that this policy will be monitored and kept under review.