



RCH Group Policy: Discipline 2024-27

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Approval Body	RCH Group Remuneration and Nominations Committee
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This policy is available, on request, in different languages and in other formats such as large print, audio format and braille as required.

1. Scope

- 1.1 This is a Group policy and therefore applies to Staff, Board and Committee members of The RCH Group of companies. As of February 2024, RCH Group consists of River Clyde Homes and its subsidiary, Home Fix Scotland Ltd.

2. Introduction

- 2.1 RCH Group requires staff to maintain the highest possible standards of attendance, conduct and performance. The purpose of this policy is to help you understand these and encourage you to maintain them.
- 2.2 This policy will inform you of RCH Group's expected standards of conduct, performance and attendance. Please speak to your line manager if you are unsure of the standards expected of you. If you do not meet our standards, then we will manage this in accordance with this disciplinary policy.
- 2.3 The aim of this policy is to:
- Make sure that you know the standards expected in respect of conduct, performance and attendance.
 - Manage you in accordance with the procedures in this policy should you fall short of our expected standards.
 - Manage any fall in standards in a fair and consistent manner.
- 2.4 This policy should be read in conjunction with the following procedures:
- RCH Group Discipline procedures
 - RCH Group Capability procedures
 - RCH Group Attendance and Absence Management policy and procedure
 - RCH Group Notifiable Events Policy
 - RCH Group Data Protection Policy
 - RCH Group Standing Orders and Delegation; and
 - RCH Group Code of Conduct for Staff
- 2.5 This policy and the RCH Group Discipline Procedures have been drawn up to comply with the legal obligations under the Employment Act 2008, Employee Relations Act 1999 and ensured adherence to the ACAS Code of Practice 2015: Disciplinary and Grievance Procedures, the guiding legislative framework for managing employee relations

3. Policy Statement and Responsibilities

- 3.1 RCH Group commit to resolving unsatisfactory performance, attendance concerns or minor misconduct issues on an informal basis in the first

instance, if possible. However, if informal action does not bring about a resolution to unsatisfactory performance or attendance or the misconduct is considered to be too serious to be classed as minor, formal action will be instigated.

3.2 **Investigation**

Before any informal or formal action takes place, RCH Group will conduct an appropriate investigation. The purpose of this is to establish the facts surrounding the allegations against you. This will normally involve speaking to you and anyone else that may provide RCH Group with relevant information. We will also collect any other information we deem to be relevant. This meeting is not formal and does not form part of the formal disciplinary process.

The length and complexity of the investigation will be determined by the circumstances and the nature of the allegations. If you are unable, or choose not to participate in the investigation, RCH Group will proceed without your input.

The nominated investigator will be neutral and impartial and present their findings in an unbiased, factual, coherent and relevant way. The investigation report will include all evidence referred to. All information will be made available to both you and the disciplinary officer/panel.

On completion of the investigation, the investigator will make one of the following three recommendations:

- No further action
- Informal action
- Formal disciplinary action

3.3 **Police Involvement and Criminal Offences**

We may treat any criminal investigation, charge or conviction connected to you as a disciplinary matter if RCH Group consider it relevant to your employment with us.

Should you be subject to any police investigation, RCH Group will conduct our own independent investigation, and proceed regardless of the status of any police involvement.

If you are subject to any of the above and believe this may in any way affect your ability to do your job or our reputation, you must discuss this with your line manager as soon as you possibly can.

3.4 Suspension

We will suspend you on full pay if the allegations against you are gross misconduct. We will aim for your suspension to last no longer than one week. If the investigation has not finished within this time, we will write to you and update you on its progress. While on suspension you should not have any contact with any other employees other than the person named on your suspension letter.

We may also suspend you if we feel you are interfering with an investigation in any way, even if the allegations are not at gross misconduct level.

3.5 Informal Action (Improvement Notice)

RCH Group will normally use the informal procedure first. If your performance, conduct or attendance does not meet our required standards then your line manager will meet with you informally if appropriate. They will discuss the issues with you, and tell you what improvements are required, the support available, and explain any further consequences if you do not meet or maintain the standards we require. We will provide all this information in writing in an Improvement Note (live on file for 6 months).

3.6 Formal Disciplinary Action

We will follow our formal process when attempts to improve any conduct, performance and/or attendance have not improved through the informal process. We will also use the following formal process straight away for more serious matters. If you are invited to a formal hearing, this will be done as soon as reasonably practical on conclusion of the investigation. You will also be given a minimum of 2 working days' notice of the hearing. If we issue you with a formal warning, you will have the right to appeal, and we will give you the details of how to do this in the letter confirming the outcome of your hearing.

3.7 Notice of Decision

We will issue you with the outcome of our decision, including the reasons for this in writing to you within 5 working days of the formal disciplinary hearing. This letter will detail the reasons for the formal warning and what we expect of you. If we dismiss you, we will provide you with details of your last date of employment and inform you of any outstanding payments that we will make to you in your final salary.

3.8 Formal disciplinary sanctions for any RCH Group employee may be given as follows:

Level of Management	Maximum Disciplinary Sanction
RCH Group Senior Leadership Team (SLT)	All levels up to and including Dismissal

RCH Group Manager	Final Written Warning – remains live on file for 12 months
RCH Group Manager	First Written Warning - remains live on file for 6 months

A serious complaint relating to an RCH Group senior staff member is a notifiable event in terms of the Scottish Housing Regulator and RCH Group’s Notifiable Events Policy should be adhered to.

3.9 Time Limits of Warnings

In exceptional circumstances, RCH Group may extend the time limits in section 3.8, this would be fully discussed with the employee if applicable.

3.10 Alternatives to Disciplinary Action

In addition to issuing warnings, the disciplinary panel/officer may consider other actions instead of dismissal including, redeployment, demotion, or an extension to the time limit of a warning.

3.11 Appeal Hearing

If you wish, you have the right to raise an appeal within 5 working days of receiving your letter, which details any formal action against you. Details on how to appeal will be included in your decision letter confirming the action taken against you. We will arrange an appeal hearing within 10 working days of receiving your request. We will write to you after the hearing confirming our decision regarding your appeal.

Any appeal will be taken, where possible, by someone who was not involved in the original disciplinary hearing.

3.12 Records

We will keep records on your personal file of any disciplinary action, which will only be seen by you, your line manager and the senior officer if appropriate. Your manager will remove disciplinary warnings from your file when no longer live.

3.13 General Data Protection Regulations (GDPR)

RCH Group will treat your personal data in line with our obligations under the current data protection regulations and our own RCH Group Data Protection Policy. Information regarding how your data will be used and the basis for processing your data is provided in RCH Group’s employee privacy notice.

3.14 **Capability - Performance**

In the context of this policy, capability relates to an employee's ability to perform their duties. Capability in general relates to application of effort, quality of work, general performance or similar issues which may result in disciplinary proceedings being instigated.

Normally, disciplinary proceedings under this heading will be applied following the exhaustion of a performance management process where the necessary level of performance has not been achieved.

3.15 **Capability - Ill-health**

If an employee's health affects their ability to carry out their duties, and where this is medically confirmed by the RCH Group's Occupational Health Provider, this will not be handled using this policy. Where ill health is impacting on performance/capability at work, medical advice will be sought from RCH Group's Occupational Health Provider as to whether or not an employee is likely to be able to perform their duties given the medical position.

Where it is agreed that there is no prospect of a return to substantive duties, outcomes are likely to be reasonable adjustments, redeployment, ill health retirement, or as a last resort, termination on the grounds of incapacity for some other substantial reason. There may be exceptions to this and all matters relating to ill health will be handled sensitively and in line with RCH Group's Attendance and Absence Management policy and procedure to avoid any unlawful discrimination as defined by law.

3.16 **Responsibilities**

HR team are responsible for the formulation of disciplinary rules and procedures including the classification of misconduct.

Line managers are responsible for ensuring that the rules and accepted standards of conduct are made known to all RCH Group employees and be responsible for the management of discipline.

Employees are responsible for familiarising themselves with the rules and standards required during the course of their employment and to abide by them.

4. Equality, Diversity and Inclusion

- 4.1 The RCH Group will apply this policy fairly and consistently. In implementing this policy, we will not directly or indirectly discriminate against any person or group of people because of their race, religion or belief, gender, disability, age, sexual orientation, or any other grounds. Our commitment to equality and fairness will apply irrespective of factors such as age, disability, gender reassignment, marital or civil partnership status, pregnancy or maternity, race, religion or belief, sex, sexual orientation, or other personal attributes.

5. Review

- 5.1 This policy will be reviewed in its entirety every 3 years, unless an earlier review is required due to changes in legal, regulatory or best practice requirements, or because monitoring and reporting reveals that a change in policy is required sooner.