Royal College of Nursing

Member Resolution and Disciplinary Policy

Committees, Groups, Meetings to which this policy applies: This policy applies to all members equally, whether holding an elected or appointed role, and those that do not.
Purpose of Document: Provide guidance on the process the RCN will follow when complaints are raised regarding member conduct or behaviour.
Document Name: RCN Member Resolution and Disciplinary Policy
Author/Authors: RCN Member Relations Team
Description of Policy This policy provides guidance on the management of alleged poor conduct and behaviour regarding RCN members. This policy sets out an informal approach for complaints that are appropriate to address through a resolution framework, alongside a formal disciplinary procedure to be utilised when addressing allegations that are not appropriate to be resolved informally.
Cross Reference: The following policies should be considered in conjunction with this policy: RCN Code of Conduct RCN Social Media Guidance RCN Complaints Policy RCN Respect Charter For members holding registration the following polices will also apply: The NMC Code of Conduct The Nolan Principles of Public Life For members holding elected or appointed roles the following policy will also apply: RCN Council, board and committee members - fit and proper persons criteria
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POLICY SUMMARY: MEMBER RESOLUTION AND DISCIPLINARY POLICY

As an RCN Member you should:	As an organisation we will:
• Familiarise yourself with the standards of conduct outlined by the RCN Code of Conduct. • Cooperate fully with the requirements of the policy, should it be required.	• Ensure that this policy and supporting information are clear and accessible. • Identify a team or individual responsible for keeping this policy under review and in line with any relevant updated guidance. • Provide advice, training and support on how Member Resolution and Disciplinary should be managed. • Review and/or audit this policy and associated processes and procedures at least every 3 years.

1 INTRODUCTION

1.1 Members must act within the Royal College of Nursing (RCN) standing orders, Code of Conduct and regulations of the RCN's Royal Charter, in addition to the fit and proper person's criteria and additional responsibilities for those members holding elected or appointed roles. The policy will be applied where the standards of behaviour and conduct of members are alleged to have fallen below expectations and requirements.

1.2 The aims of this policy are to:

- Enable the RCN to remedy any problems of misconduct or behaviour promptly and effectively.
- Ensure members are informed of the action that may be taken if they fail to meet the RCN's standards of conduct and behaviour.
- Deal with conduct matters fairly and lawfully, applying the principles of natural justice.
- Ensure all are treated with dignity and equity.

2 PURPOSE AND SCOPE

2.1 This policy and procedure will be used to maintain clear and unequivocal standards in such areas as:

- Conduct
- Behaviours
- Engagement with other members, RCN staff and those individuals or organisations that interact with the RCN.
- Carrying out duties and responsibilities on behalf of the College and its members collectively or individually.
- Conduct and behaviours on social media where such conduct and behaviours have a demonstrable bearing on the reputation of the College, or impact negatively on members, staff or those that engage in the business of the College.

2.2 This policy applies to all RCN members equally, whether elected, appointed or neither.

2.3 This policy can be invoked for alleged matters of misconduct, poor behaviour, or non-compliance. In addition, this policy may be invoked following an investigation conducted as part of a complaint raised by either RCN staff, an RCN member or an external party.

2.4 This policy and procedure does not apply to staff employed by the RCN. Any allegation regarding staff will be managed using the staff Disciplinary Policy and Procedure, or the Customer Complaints Policy.

2.5 It is necessary to have a resolution policy and disciplinary process to ensure fairness and consistency in the treatment of members and to support the effective operation of the College.

2.6 It outlines the mechanisms that will be followed in order to deliver resolution of disciplinary matters in a fair, consistent, timely and impartial manner, assuring fairness in the treatment of members.

2.7 The policy and procedure will be applied in accordance with the principles of just culture, and every attempt will be made to balance the principles of:

- Fairness
- Openness
- Learning
- Individuals taking accountability for their own actions.

2.8 The RCN will assume that all concerns raised under this policy are made in good faith. However, if at any point of the investigation it is found that that a complaint is frivolous, malicious or vexatious, the individual raising the concern may be subject to action under the Resolution and Disciplinary Policy for members, or RCN Disciplinary Policy and Procedure for staff.

3 POLICY STATEMENT

3.1 The RCN aims to provide the very best member experience, which is dependent on the positive behaviours and conduct of all RCN members.

3.2 It is the policy of the RCN that any member not achieving the expected standard of conduct will be held accountable for their behaviours and may be subject to formal disciplinary action.

3.3 All parts of the resolution and disciplinary process will be conducted in a fair and consistent manner.

3.4 This policy sets out the actions to be taken to address such matters and the roles and responsibilities for those individuals involved in the process. The process intends to set out steps to deal with a situation reasonably, whether that is a matter seeking resolution, or one requiring more formal investigation under the disciplinary process.

4 HANDLING ALLEGATIONS OF MISCONDUCT

4.1 A member of the RCN, a member of RCN staff or any other person (including non-RCN members) may make a complaint in writing to the RCN concerning the conduct of a member. All complaints should be directed to the Associate Director of Complaints and Investigations to

ensure they are recorded appropriately.

4.2 A complaint must have been raised within 3 months from when the incident arose. Consideration will be given to exceptional circumstances where a complaint is not raised within that time period, and this will be at the discretion of the Associate Director of Complaints and Investigations.

4.3 The Associate Director of Complaints and Investigations (or in their absence a delegate) shall acknowledge a complaint within 7 days of receipt.

4.4 All individuals involved in the resolution and disciplinary process (including the respondent, witnesses, investigating team, staff members and panel members) are expected to maintain appropriate confidentiality.

4.5 The RCN will use its best endeavours to maintain appropriate confidentiality but there will be circumstances when matters of this nature will need to be discussed with / by the Executive Team or Council depending on the individual situation and this will not constitute a breach of confidentiality.

4.6 Anyone who is required by the RCN to participate in the process (irrespective of their role) must make all reasonable efforts to do so and participate fully in it.

4.7 All investigations and actions will be undertaken without unreasonable delay, recognising that delay can cause anxiety for members and prejudice a fair process.

4.8 The RCN will not normally impose any sanctions which are not specifically set out in this policy.

4.9 No member of the RCN will be disciplined in breach of sections 64 of the Trade Union Relations (Consolidation) Act 1992 or Article 31 of the Trade Union and Labour Relations (Northern Ireland) Order 1995. This relates, for example to disciplining a member for failing to participate in or support industrial action, or for leaving the RCN or joining another union.

4.10 Representation

4.10.1 Respondents are entitled to representation throughout by an appropriate person.

4.10.2 An appropriate person should have no prior involvement in the matter, could not be considered a potential witness, nor should their involvement present a conflict.

4.10.3 An appropriate person may be a union representative of the RCN or

other union, a colleague or friend. Guidance is available to respondents on accessing representation and support.

4.10.4 Whether a representative is appropriate will be determined by the Associate Director of Complaints applying the principles of section 4.10.2.

4.10.5 Legal representation is not permitted.

4.11 Investigating Officers may be drawn from RCN staff or, where appropriate, from individuals external to the RCN. Disciplinary Panel and Appeal Panel members may be appointed from suitably trained members or external individuals, at the discretion of the Associate Director of Complaints and Investigations.

4.12 In cases where it is impracticable or inappropriate for the person specified to fulfil a role in question, for example due to illness, unavailability or perceived conflict of interest, another appropriate person may be appointed to that role.

4.13 Where a number of complaints are linked, for example where a complainant raises similar complaints against more than one member, then consideration may be given to appointing a single individual to act in any specific role (e.g. Investigating Officer) in relation to some or all of those complaints.

4.14 Should the respondent raise a complaint about the complainant during the investigation stage, the Associate Director of Complaints and Investigations will determine if both matters can be considered together, or whether an alternative approach is required.

5 INFORMAL RESOLUTION MANAGEMENT

5.1 In many cases, allegations may arise from a misunderstanding, a breakdown in a relationship, or a lack of appreciation of the perspective of the other person or party.

5.2 The RCN will encourage members to reach a resolution in an informal manner where it is appropriate to do so.

5.3 The RCN can provide support when trying to resolve a matter informally

5.4 The primary focus is to help the member understand the concern raised and what action may be required to address it. Where possible, the RCN will aim to resolve issues informally through supported conversation, feedback, or mediation.

5.5 The RCN's approach to informal resolution is set out in Annex B.

5.6 It is in the interests of all parties to address issues raised without unnecessary delay. Where possible the RCN will aim to conclude informal resolution within a period of 12 weeks. Where circumstances require additional time, all appropriate parties will be kept updated.

5.7 Where possible, outcomes will be reached by agreement. In some circumstances, however, the person managing the informal resolution process may need to make a decision, which the member will be expected to follow. Failure to comply may result in the matter progressing to the formal disciplinary process.

6 FORMAL DISCIPLINARY PROCESS

6.1 Where it is not appropriate to address behaviours or conduct informally; where attempts to resolve them informally have failed; or where matters have already been investigated as part of a customer complaint regarding service, the formal disciplinary process will be followed.

6.2 Where all reasonable attempts have been made to reach a resolution the complainant may ask the RCN to consider whether a formal disciplinary process should be implemented, this would be determined by the Associate Director of Complaints and Investigations, following an assessment of the circumstances of the complaint.

6.3 For cases of misconduct, where a member has accepted full responsibility; a sanction would not exceed a final written warning and the facts are not in contention, a fast-track disciplinary process can be considered. This Fast Track process provides a person-centred approach to limit the stress caused by lengthy investigations and hearings and is detailed in Appendix D2

6.4 Investigation

6.4.1 The individual will be notified by the Associate Director of Complaints and Investigations in writing of the concerns raised, the allegations to be investigated and the process that will be followed (Annex C1)

6.4.2 Once the investigation is completed, the Investigating Officer will present their findings, along with the supporting evidence and their outcome to the Associate Director of Complaints and Investigations.

6.4.3 Should the Investigating Officer believe that there is sufficient information to suggest there is a case to answer the matter will proceed to a Disciplinary Hearing.

6.4.4 If it is decided by the Investigating Officer that there is no case to answer then the member should be informed within 5 working days and supported as necessary.

6.4.5 Decisions where there is no case to answer can be accompanied by a recommendation of training, support or mediation where the Investigating Officer identifies this is appropriate.

6.4.6 Formal notification of the outcome and any recommendations will be sent to the member by the Associate Director of Complaints and Investigations within 10 working days of receipt of the report.

7 SUPPORTING MEMBERS

7.1 Being involved in a resolution or disciplinary process can be equally as difficult for the complainant as it is for the respondent. All members named or involved in the resolution or disciplinary process should be appropriately supported. The Associate Director of Complaints and Investigations will be responsible for identifying appropriate support mechanisms and will respond to any requests for additional support during the application of the policy.

7.2 Respondents and complainants should be kept fully informed throughout the process so that they understand what the next stage will be, who they may be contacted by and when. Updates may be provided by the Complaints Team, Investigating Officer, or the individual appointed to oversee informal resolution.

7.3 Respondents and complainants will receive a guidance sheet explaining how they can access appropriate support during the process.

7.4 Throughout the process it is important that members understand the support available to them. This support can be available through Member Support Services, through support and supervision for accredited representatives, or through their own employer assistance schemes. In addition, members can access the confidential support line managed by Health Hero. Any additional request for further support can be made to the Associate Director of Complaints and Investigations.

7.5 In recognition of how difficult and isolating a formal process can be to either party, an agreed point of contact may be appointed for the respondent and/or complainant to ensure that they have someone they can discuss matters with while maintaining the confidentiality of the process. This should be someone unconnected with the investigation and not someone who may later be required as a witness.

7.6 At any point in the process mediation remains available to all parties.

8 THE DISCIPLINARY HEARING PANEL

8.1 Should the investigation determine there is a case to answer the respondent will be notified by the Associate Director of Complaints and Investigations that the matter will proceed to a Disciplinary Hearing. Formal notification of the investigation outcome, and that a matter is proceeding to a panel hearing will be provided to the respondent within 10 working days from receipt of the Investigating Officer's report.

8.2 The notification should include:

8.2.1 A summary of the case against the respondent.

8.2.2 The specific allegations to be dealt with at the Hearing.

8.2.3 Any written investigation report arising out of the investigation.

8.2.4 Details of the time and venue for the Hearing.

8.2.5 Confirmation that the respondent may submit witness evidence or documentation in advance of the Hearing.

8.2.6 Confirmation of their right to be accompanied at the Hearing in accordance with section 4.10.

8.3 The Hearing should be held without unreasonable delay. All parties should be given at least 15 working days' notice to allow sufficient notice to prepare and to attend unless the respondent member agrees to a shorter period of notice.

8.4 The Hearing may take place in person, virtually or hybrid dependent on circumstances.

8.5 The respondent member may attend the Disciplinary Hearing in person or provide a written response. If the member or their representative is unable to attend, the hearing will be rescheduled. If the member does not wish to attend, or makes repeated requests to reschedule, the Panel may decide to proceed in their absence.

8.6 At least 7 working days before the Hearing the respondent should:

8.6.1 Submit any written response and documentary evidence they intend to rely on at the hearing.

8.6.2 Advise whether they will attend the hearing, and if so, confirm the identity of any representative.

8.6.3 Confirm the details of any witnesses they may wish to call.

8.7 The Disciplinary Panel will have three RCN members, at least one of whom shall, where possible, be an elected member of the RCN Council.[1]

- Panel members shall have no conflict of interest with the allegations to be heard.
- Panels will have knowledge, competence, and awareness of equity, diversity and inclusion.
- An external party may be appointed to the Panel if determined necessary by the Associate Director of Complaints and Investigations.
- The Associate Director of Complaints and Investigations (or in their absence a delegate) will be present to support the panel.

8.8 A transcription of the hearing will be captured.

8.9 Subject to the discretion of the Panel, the order of the Hearing will be as suggested in Annex D1.

9 DISCIPLINARY HEARING OUTCOME

9.1 At the conclusion of the Hearing, the Disciplinary Panel decides whether the allegation(s) is/are upheld. This is unless the respondent admits the allegation(s).

9.2 The Disciplinary Panel should reach their decision on the balance of probability, having considered all the relevant evidence and any mitigating factors known to them, including (but not exhaustively):

9.2.1 Impact on the RCN's delivery of services to users.

9.2.2 Impact on the complainant, or other parties.

9.2.3 Impact on the RCN's reputation and relationship with other organisations.

9.2.4 Whether the concern is part of a pattern, either established in the course of the hearing, or as advised by the Associate Director Complaints and Investigations.

9.2.5 The Panel must consider whether the disciplinary outcome under consideration is consistent with the treatment of other members, having regard to advice provided by the Associate Director of Complaints and Investigations and the applicable sanction guidance. Where any inconsistency is identified, the Panel must

[1] *1 – The 2025 AGM voted for some of the Executive Team to be non-elected members of Council*

consider whether there are objective and justifiable reasons for such an outcome.

9.2.6 Any relevant mitigation; and

9.2.7 Any live, formal warning issued under this Resolution and Disciplinary Policy or any previous policies.

9.3 The Disciplinary Panel may conclude the following:

9.3.1 The allegation(s) is/are unsubstantiated and no further action will be taken.

9.3.2 Misconduct, falling short of gross misconduct is substantiated, or;

9.3.3 Gross misconduct is substantiated;

9.4 If the allegation(s) is/are substantiated or admitted the Disciplinary Panel will decide on the appropriate sanction.

9.5 The respondent will be informed by the Chair of the Disciplinary Panel's decision in writing, if possible, within 7 days of the hearing, together with the appeals process if the allegation(s) is/are upheld.

9.6 Should the Panel identify that they require additional time the respondent should be kept informed.

10 FORMAL SANCTIONS

10.1 Any sanction applied by the Disciplinary Panel should be proportionate to the allegation(s) found proven. They include (but are not limited to) the matters set out below:

10.2 A first written warning may be given if, for example:

10.2.1 misconduct/behaviour is minor.

10.2.2 similar issues have previously been addressed informally.

10.2.3 Such a warning is retained for a period of up to 6 months, after which it will be removed if no further action is required.

10.3 A final written warning may be given if, for example:

10.3.1 Further misconduct or behaviour occurs; or the misconduct is sufficiently serious to warrant one written warning. This might occur where actions have had or are likely to have a serious or harmful impact on the RCN or individuals; or

10.3.2 Gross misconduct is established but with insight from the respondent and significant mitigating circumstances.

10.3.3 Such a warning is retained for a period of up to 12 months, after which it will be removed if no further action is required.

10.3.4 If the seriousness of the allegation warrants it a final warning may apply indefinitely.

10.4 In addition consideration can be given to:

10.4.1 Requiring the respondent to attend relevant training, updating or support within a set time frame;

10.4.2 Removal from activist, governance role(s) or lifetime awards, or from holding a future activist or governance role(s) permanently, or for a such a period as the Panel may specify;

10.4.3 Suspension of the respondent from all or any benefits of membership for such a period as the Panel may specify;

10.4.4 Expulsion from membership of the RCN (time limited or not time limited)

10.4.5 Some acts, termed gross misconduct are so serious or have such serious consequences that they may call for suspension or expulsion whether a first offence or repeat offence.

10.4.6 Any decision to exclude or expel individuals will be in accordance with Trade Union and Industrial Relations Act 1992 sections 64 and 174 and the Trade Union and Labour Relations (Northern Ireland) Order 1995 Articles 31-34.

10.5 Any sanction should be confirmed in writing to the member by the Panel Chair. This written notification should include:

10.5.1 The nature of the misconduct.

10.5.2 If appropriate, the improvement in conduct that is expected, and the time period given for such improvement.

10.5.3 The time period of any sanction.

10.5.4 The action being taken and how long that action or warning will remain in place.

10.5.5 The consequences of further misconduct during this time, or of failure to comply with the sanction.

10.5.6 Their right of appeal, including how an appeal may be made and to whom it should be submitted

10.6 If the respondent is a registrant of a regulatory body and following the process the incident has been proven and the finding was one of gross misconduct, consideration will be given to informing the relevant regulatory body. The Chair of the Disciplinary Panel will make this decision in conjunction with panel members, with reference to the regulatory body's guidance on referrals. Any such decision should be discussed with the RCN before proceeding with a referral.

10.7 In the case where a member fails to comply with a training, updating or supportive action (see 10.4.1 above) arrangements will be made for the panel to reconvene. The reconvened panel will follow the processes set out in sections 8, 9 & 10 and will seek to understand the non-compliance.

At the reconvened hearing the Panel can:

10.7.1 Put in place support to ensure compliance.

10.7.2 Amend the timeline for completion of the action; and/or

10.7.3 Change the sanction on the basis of the impact of the non-compliance.

10.7.4 Further occurrences of non-compliance will be considered under the formal disciplinary process.

10.8 Where a formal sanction is imposed the member cannot hold any governance roles within the RCN whilst those sanctions remain in place.

10.9 Any governance role held will be suspended for the duration of the appeal process if an appeal is lodged.

10.10 Any sanction imposed will not take effect until expiry of the time limit within which the respondent can submit an appeal or, if an appeal has been submitted, until such time as the appeal has been determined.

11 APPEAL PROCESS

11.1 A respondent may appeal against any finding where an allegation has been proven and any sanction imposed under this process.

11.2 The member may raise an appeal by submitting a written statement to the Associate Director of Complaints and Investigations.

11.3 Requests for appeals must be submitted within 1 month from the date of the outcome letter.

11.4 The respondent can appeal under the following grounds:

11.4.1 Whether the procedure was followed correctly.

11.4.2 If the outcome was too severe or disproportionate.

11.5 The Appeal will be dealt with impartially, and by an independent Appeal Panel who were not involved in the original investigation or hearing.

Panels will have three RCN members, at least one of whom shall, where possible, be an elected member of the RCN Council.[1]

- Panel members shall have no conflict of interest with the allegations to be heard.
- Panels will have knowledge, competence, and awareness of equity, diversity and inclusion.
- An external party may be appointed to the Panel if determined necessary by the Associate Director of Complaints and Investigations.
- The Associate Director of Complaints and Investigations (or in their absence a delegate) will be present to support the panel.

11.6 Appeals will be heard, wherever reasonably practicable, within 25 working days of the appeal being submitted.

11.7 No new evidence may be introduced which was not before the initial hearing without the permission of the Appeal Panel, unless the evidence was not reasonably available at the time of the initial hearing to the party seeking to introduce it.

11.8 The Appeal Hearing will constitute a review of the outcome decision in line with the grounds of appeal.

11.9 Respondents are entitled to be represented at the appeal by an appropriate person in line with section 4.10.

11.10 The Appeal Panel can:

11.10.1 Uphold the decision in full.

11.10.2 Uphold the decision but partially or fully overturn or vary the findings.

[1] *1 – The 2025 AGM voted for some of the Executive Team to be non-elected members of Council*

11.10.3 Overturn the decision and substitute it with the Appeal Panel's decision and any related findings.

11.11 Respondents should be informed in writing of the results of the Appeal Hearing, where possible within 7 days. This will include the ability of the member to hold a governance role within the RCN following the appeal outcome.

11.12 Where an appeal is successful, all records relating to the original action will be kept in line with the RCN's retention period but under strict confidentiality.

11.13 The decision of the Appeal Panel is final.

12 INTERIM MEASURES

12.1 In some circumstances, the RCN may determine that interim measures are necessary. Interim measures may be applied during an investigation or while awaiting the outcome of a Disciplinary Hearing Panel or an Appeal Panel.
Interim measures may include, but are not limited to:

- Access to specified RCN services.
- Restriction on specific RCN duties or activities.
- Entering RCN premises.
- Attending RCN events or events on behalf of the RCN.
- Temporary restriction on participation in committees, forums, or representative roles.
- Limitations on contact with other members, staff, or stakeholders where appropriate.
- Acting on behalf of the RCN in correspondence and communication.
- Use of RCN devices
- Accrual of expenditure on behalf of the RCN
- Access to RCN systems, including RCN email accounts, or access to relevant Governance or Membership Data systems.
- Reference to an RCN accredited, governance role or lifetime award.
- Suspension from holding RCN office or elected positions.

In exceptional cases, RCN membership itself may be suspended. Such suspension will not affect continuity of membership, and access to member support services will continue to be available.

12.2 Interim measures may be applied by the Associate Director of Complaints and Investigations, with agreement of the Executive Director of Governance, the Chief People Officer and a member of the Executive Team holding NMC registration, (or in their absence a delegate) for one of the following reasons:

12.2.1 To enable a full and proper investigation to take place.

12.2.2 Where it is considered in the interests of the respondent, the complainant, the RCN, staff or other members.

12.2.3 Where it would not be in the interests of the RCN to remain in their role or active membership pending resolution of this procedure.

12.2.4 To provide protection for the respondent and complainant from further allegations or complications while matter is investigated.

12.3 It is recognised that any form of interim measures may be upsetting and can have a negative impact on the individual concerned. Interim measures will not be imposed automatically. Any decision to apply interim measures must be based on a careful assessment of the relevant circumstances and must be proportionate, reasonable, and no more restrictive than is necessary to manage the identified risks. The scope and terms of any interim measures must also be clearly defined.

12.4 Any assessment and decision must be documented using the *Record of Interim Measures* (Annex E). Interim measures, including suspension, must be reviewed on a monthly basis and upon receipt of the investigation findings to ensure they remain appropriate.

12.5 Requests from the respondent to access an RCN device or account in order to obtain relevant evidence as part of the investigation process should be made to the Associate Director of Complaints and Investigations.

12.6 Interim measures, including suspension in these circumstances are not considered a sanction and do not involve any prejudgement of the issue in question. Existing terms of office will continue for those members holding elected or appointed roles during any period of suspension.

12.7 Respondents may be asked to meet agreed conditions by the Associate Director of Complaints and Investigations before any interim measures are removed.

12.8 At the end of any period of suspension, and where appropriate the respondent will be welcomed back to their role, except in circumstances where their term of office has expired.

12.9 COMMUNICATING THE DECISION TO APPLY INTERIM MEASURES.

12.9.1 The Associate Director of Complaints and Investigations should inform the member of their decision to apply interim measures, verbally where possible, and in writing.

12.9.2 The member should be informed of the likely duration of the interim measures, and the terms of those measures.

12.9.3 The member should be made aware of the support services available to them during this period.

12.9.4 Relevant staff members may also be informed to ensure that arrangements can be made in line with section 12.1

12.10 TIMESCALES FOR INTERIM MEASURES.

12.10.1 Interim measures should be kept under review monthly to ensure they do not last longer than necessary as where possible investigations should be concluded within 12 weeks.

12.10.2 When reviewing interim measures, the respondent and their representative will be invited to make a submission ahead of a review and offered the opportunity to meet with the Associate Director of Complaints and Investigations to discuss the review. Each review should be documented using the Record of Interim Measures Checklist (Annex E)

12.10.3 The Investigating Officer should inform the Associate Director of Complaints and Investigations if any new information comes to light during their investigation which may have an impact on the assessment of interim measures which may require further review, all of which would be discussed with the relevant parties.

12.11 SUPPORTING MEMBERS DURING INTERIM MEASURES

12.11.1 Where interim measures include suspension, the respondent can identify an agreed point of contact who can provide support and a confidential space for the respondent to discuss the ongoing process. This support is in addition to their right to representation. This should be someone unconnected with the investigation and not someone who may later be required as a witness.

12.11.2 Requests for support and assistance by the respondent can be made at any point in the process in recognition of the impact suspension can have. This includes access to the confidential support line managed by Health Hero.

12.11.3 Where a respondent has been suspended from their representative role and this is likely to impact on their employment because they undertake paid release under a facility agreement, their employer will be informed of the suspension to ensure that the local facility agreement is followed and that the respondent is treated ‘without prejudice’ as a result.

12.11.4 Where a respondent has been suspended from their representative role, alternative representation will be arranged for any of their on-going member cases through their Country/Regional Office.

12.11.5 The Associate Director of Complaints and Investigations will maintain contact with the respondent during this period, to keep them informed, offer and arrange support.

13 DEALING WITH CRIMINAL OR POTENTIAL REGULATORY OFFENCES

13.1 If on conclusion of a Disciplinary Hearing, the incident has been proven and the finding was one of gross misconduct, consideration will be given to informing the relevant regulatory body. In some circumstances this may be a requirement of registration. The Chair of the Disciplinary Panel, in conjunction with panel members will make this decision, which will be discussed with the RCN prior to making a referral. For the avoidance of doubt, this is not a disciplinary sanction.

13.2 Where suspected misconduct constitutes a matter that warrants reporting to the police or to a regulatory, professional or other external body ahead of the outcome of a panel hearing, the Associate Director of Complaints and Investigations, the Executive Director of Governance and a member of the Executive Team holding NMC registration will be responsible for making such a decision. Advice may be sought from internal or external professional advisers where appropriate in making this decision. The respondent will be informed that this step has been taken.

13.3 The requirement to consider this step on conclusion of a Disciplinary Hearing does not affect any person's entitlement or professional obligation to refer a member to the appropriate regulatory body at any stage.

13.4 Where a respondent is charged with, or convicted of, one or more criminal offences, the Associate Director of Complaints and Investigations should seek advice on action taken under this policy.

13.5 A criminal charge or conviction that arises RCN membership will not automatically result in action being taken. However, the parties referred to at section 13.2 will consider whether to invoke this policy and procedure where the charge or conviction may constitute misconduct, including where it has the potential to bring the RCN into disrepute.

13.6 Where it is considered that a criminal charge or conviction makes the respondent unsuitable to hold any role within the RCN, the matter will be considered under this policy.

13.7 Where external processes arise at the same time, consideration will be given to pausing the Member Resolution process to allow those external matters to conclude.

14 POLICY REVIEW AND REPORTING

14.1 It is the responsibility of Associate Director of Complaints and Investigations to monitor and review this policy, and to recommend any necessary changes to the Executive Team and RCN Council

14.2 Performance of the policy will be assessed against compliance with agreed timescales, outcomes and feedback from involved parties.

14.3 RCN Council will receive regular reports on the themes, trends and performance of this policy.

15 RAISING CONCERNS

15.1 The RCN complaints process does not apply to concerns regarding the application of the Member Resolution Policy.

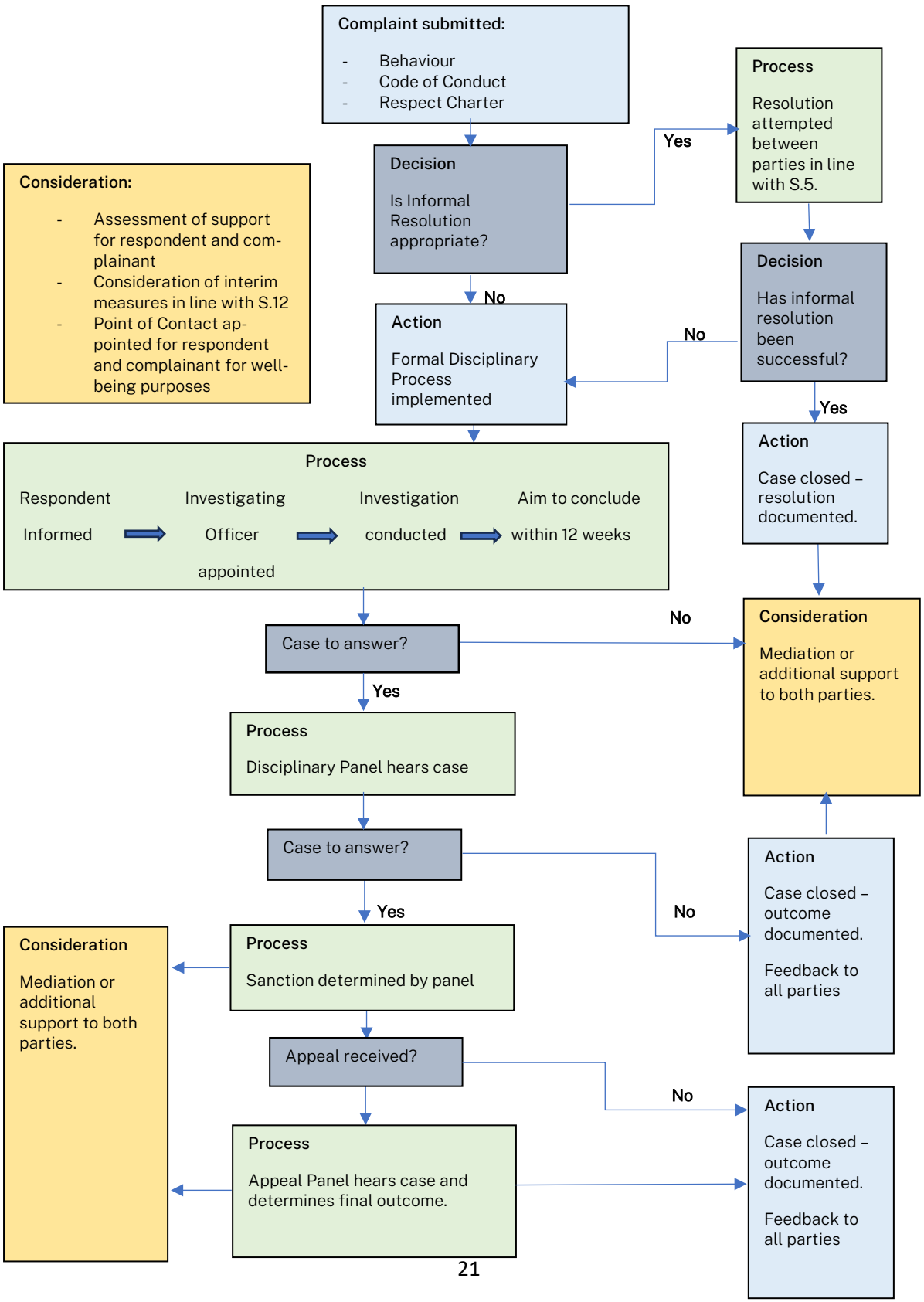
15.2 The appeal process against sanctions imposed by a disciplinary panel is set out in section 11 of this policy.

15.3 Members who have concerns regarding the application of this policy are entitled to raise their concerns for consideration by the RCN's Member Resolution Guardian who will be independent of the process and can be contacted at memberresolutionguardian@rcn.org.uk.

Royal College of Nursing

ANNEX A1

FLOWCHART – MEMBER RESOLUTION PROCEDURE



ANNEX A2

Royal College of Nursing

ROLES AND RESPONSIBILITIES

1 The Chair of Council is responsible to members for the appropriate implementation of this policy and procedure.

2 The overall responsibility for the operation of this policy in practice sits with the Executive Director of Legal and Member Relations.

3 All staff and members have a responsibility to report concerns appropriately, and to support and participate in the Member Resolution and Disciplinary Process.

4 Investigators will:

4.1 Ensure a thorough investigation takes place and produce an investigation report within 12 weeks where possible, ensuring that all necessary steps are taken without any unreasonable delays.

4.2 Be impartial and without conflicts of interest.

4.3 Comply with the Investigation Standards (Annex C2)

4.4 Make a finding as to whether there is a case to answer and whether the matter should proceed to a Disciplinary Hearing.

4.5 If so, the Investigating Officer shall present their findings at a Disciplinary Hearing.

5 Associate Director of Complaints and Investigations (or in their absence a delegate) will:

5.1 Take the time to explain the process; to explain who the respondent will be contacted by and what to expect in respect of the process and investigation, because the member may understandably feel anxious about the process.

5.2 Make the respondent aware of support available to them through Member Support Services, and other services as well as the options for arranging appropriate representation.

5.3 Decide whether informal resolution is appropriate and if so, appoint the individual who will deal with the informal resolution.

5.4 Inform the respondent of the outcome of the investigation.

5.5 Determine whether interim measures needs to be applied while a matter is investigated having consulted with the Executive Director of Governance, the Chief People Officer and a member of the Executive Team holding NMC registration.

5.6 Keep any interim measures under review and document those decisions fully.

5.7 Decide on the terms for any removal of interim measures.

5.8 Appoint Investigating Officers.

5.9 Establish Disciplinary Panels and provide support to the Panel as required and attend the hearing.

5.10 Act as a point of contact for members involved in the process and keep them updated as the matter progresses.

5.11 Make arrangements for an agreed point of contact for the respondent and/or the complainant during formal stages.

5.12 Acknowledge appeal requests submitted by members.

6.0 Disciplinary Panels will:

6.1 Convene and hear disciplinary hearings, and after considering all the evidence presented, determine the outcome of any hearing.

6.2 If the outcome results in a sanction, these will be issued in line with the Member Resolution and Disciplinary Policy and associated guidance by the Panel. The Panel will inform the respondent of the outcome in writing within a reasonable time period and without delay.

6.3 If the sanction is to comply with training, updating or supportive action and the respondent fails to comply with that, the Panel will reconvene to understand the reason for non-compliance.

6.4 If appropriate, consider referral to a regulatory body as set out at paragraph 13.1.

7.0 Appeal Panels will:

7.1 Convene and hear appeal hearings, and after considering the matter, determine the outcome.

7.2 Inform the respondent of the outcome in writing within a reasonable time period and without delay.

7.3 If appropriate, consider referral to a regulatory body as set out at paragraph 13.1.

8.0 Member Resolution Guardian will:

8.1 Act as an independent party when concerns are raised about the application of the policy.

8.2 Liaise with the Associate Director of Complaints and Investigations and the respondent to determine an appropriate solution to matters raised.

8.3 Communicate the outcome of any concern raised and the steps taken to address the situation.

ANNEX B



INFORMAL RESOLUTION

The Associate Director of Complaints and Investigations will appoint a suitable individual to oversee the informal resolution. This may be an RCN staff member, a member holding an elected or appointed role or an independent person depending on the circumstances.

If any party has concerns about the individual appointed to oversee resolution they should inform the RCN at the earliest opportunity.

B1 The person handling the informal resolution should provide feedback to the individual as soon as possible as they may not be aware of their behaviour or conduct or the impact it has on others. Feedback should focus on the behaviour or conduct and its impact, rather than the person.

B2 In seeking to resolve a matter informally a range of actions could be taken:

B2.1 A conversation is held with the member named in the complaint:

- Explaining that the meeting is taking place as part of the informal stage of the process
- Outlining the concerns to be discussed
- Seeking to understand the member's response to the concerns
- Where appropriate clarifying the standards expected by the RCN
- Agreeing actions and associated timeframes
- Outlining that further recurrence of an issue or concern may lead to consideration of the formal procedures.

B2.2 Offering appropriate training, guidance or support to help improve awareness or behaviour. For example, a mentor could be appointed to guide and support the member for a defined period. Support and supervision are available for those members acting as RCN representatives.

B2.3 Where appropriate, facilitating a conversation between the complainant and the member named in the complaint, with the aim of exploring the concern and reaching a resolution. This option will only be pursued following full discussion with the complainant to ensure they feel safe to do so.

B2.4 Requesting an apology from the respondent member where this is deemed appropriate.

B2.5 Offering mediation to help resolve the matter. Mediation will be arranged by the RCN and may involve external mediators where necessary or appropriate.

B3 While the confidentiality of the member named in the complaint must be maintained, it is important that the complainant receives appropriate updates regarding the progress of the informal resolution.

B4 It is in the interests of all parties that issues are addressed without unnecessary delay. Where possible the RCN will aim to conclude informal resolution within a period of 12 weeks. Where additional time is required, all appropriate parties will be kept updated.

B5 Before determining whether the informal resolution process has been successful, consideration should be given to the complainant's experience and whether any supportive measures are required.

ANNEX C1



DISCIPLINARY INVESTIGATION

C1.1 The Associate Director of Complaints and Investigations will assign an Investigating Officer to investigate. The respondent should, where possible, be informed within 7 days from the date of notification who the Investigating Officer is and of the arrangements for the investigation. If there are problems meeting this timescale the member should be kept updated by the Associate Director of Complaints and Investigations.

C1.2 An appropriate investigation will be carried out, without unreasonable delay, to establish the facts of the case and enable an informed decision to be made on whether to proceed to a Disciplinary Hearing. The investigation will be conducted in line with the Standard of Investigation (Annex C2) and should ordinarily be completed within 12 weeks. All parties will be kept informed on progress, and where additional time is required, will be advised of the reasons for any delay.

C1.3 Any individual interviewed as part of the investigation will be informed that their statement will form part of the investigation report and may be relied upon as evidence at any subsequent Disciplinary Hearing. Individuals may be required to attend the hearing as a witness. Where an individual requests that their identity be kept confidential, this request will be considered by the Associate Director of Complaints and Investigations, who will have full regard to the rights of all parties, including the principles of natural justice for the respondent member.

C1.4 A respondent member is entitled to representation at an investigation meeting, in line with section 4.10 of this policy.

C1.5 Any additional matters arising during the course of the investigation must be reported to the Associate Director of Complaints and Investigations, who will whether any further action is required.

C1.6 The Investigating Officer should seek to complete the investigation as soon as reasonably practicable, and where possible within 12 weeks. Where a matter is complex, delays arise due to the availability of relevant parties, additional time may be required. If an investigation cannot be completed within this timeframe, the Associate Director of Complaints and Investigations must be informed, and both the respondent and the complainant kept updated, with reasons for the delay.

C1.7 Reasonable consideration will be given to the availability of any individual asked to participate in the investigation. However, unreasonable, or repeated attempts to delay the process will not be accepted. Where reasonable efforts to secure participation have been exhausted, the Investigating Officer, in agreement with the Associate Director of Complaints and Investigations, will determine how the investigation should proceed. This may include continuing in the absence of a witness or respondent member, or closing the investigation where the complainant fails to engage.

ANNEX C2

Royal College of Nursing

STANDARDS OF INVESTIGATION

Step One: Initiating the Investigation

The Investigating Officer must:

- Be provided with clear Terms of Reference and a copy of the complaint submission.
- Consider all allegations within the ACAS definition of harassment and discrimination.
- Invite the complainant to an investigatory meeting to discuss their concerns. The complainant does not require formal representation but may be accompanied by a support person. This must be someone unconnected to the investigation and not someone who may later be required to act as a witness.
- Invite the respondent to an investigatory meeting to provide an opportunity to respond to the allegations.
- Ensure that, during the investigatory meeting, the respondent is given a full and fair opportunity to respond to the allegations, provide their account of events and explain any mitigating circumstances.
- Take all reasonable steps to encourage and facilitate the participation of all parties in the investigation.
- Inform all parties that the content of their interview statements may be shared in full with the respondent member if the matter proceeds to a Panel.
- Ensure the respondent is advised of their right to be represented during the investigatory stage by an appropriate person, as defined in 4.10 of the Member Resolution and Disciplinary Policy.
- Ask both the complainant and respondent to identify any individuals they believe the Investigating Officer should speak with. The Investigating Officer retains discretion over who is interviewed and it does not preclude seeking evidence from additional witnesses. The investigation should not be considered complete until all relevant witnesses have interviewed.
- Complete the Investigation as soon as reasonably practicable and, where possible, within 12 weeks. Where additional time is required this should avoid unnecessary delay.
- Keep the Associate Director of Complaints and Investigations informed of any issues that may affect the investigation timeline.
- In exceptional circumstances (for example prolonged sickness, or where required as a reasonable adjustment), and with the mutual agreement of

the parties, obtain a written statement by correspondence instead of conducting an interview. In such cases, the Investigating Officer will provide the questions to which responses are required.
- Where the respondent fails to attend an investigation meeting/or does not provide a written response to the allegation(s), the Investigating Officer may, at their discretion, complete the investigation report without an interview record or written response. The Investigating Officer must be satisfied that the respondent was given a reasonable opportunity to respond and failed to do so without good reason.
- Notify the Associate Director of Complaint and Investigations if the respondent raises a complaint about the complainant during the investigation stage, so that appropriate action can be determined.

Step Two: Obtain Information

The Investigating Officer must:
- Obtain written statements from, or conduct interviews with, any witnesses in relation to the alleged misconduct.
- Identify, obtain and review all documentation considered relevant to the case.
- Collect and examine all relevant written records.
- Gather any additional supporting evidence from witnesses or other individuals.
- Ensure that the evidence gathered considers both the intent of the behaviour and its impact on others.

Witness evidence

A copy of the notes or statement taken during an investigatory meeting will be provided to the interviewee, who will be asked to confirm that it is a true and accurate record of the information provided.

Any individual from whom information or a statement is obtained will be informed that their statement may form part of the disciplinary process and may be disclosed to the respondent against whom the allegations(s) have been made.

Statements should be signed and returned, with or without amendment, within five working days of receipt in order to avoid unnecessary delay.

If a statement is not returned within this timeframe and no reasonable explanation is provided, the Investigating Officer may treat the notes as an accurate record of the information provided during the interview.

All individuals interviewed as part of the investigation will be informed that their statement will form part of the investigation report and may be used as evidence at a disciplinary hearing. Individuals may also be required to attend a hearing as a witness.

Step Three – Investigation Report

Upon completion of the investigation, the Investigating Officer must prepare a written report setting out their findings and recommending one of the following outcomes, supported by the evidence gathered:

- No further action to be taken; or
- That there is a case to answer and the matter should proceed to a Disciplinary Hearing.

The investigation report must include:

- Agreed, signed and dated statements from all parties interviewed.
- Copies of all relevant evidence, documentation and records relied upon, presented in chronological order.
- An explanation where relevant witnesses were not interviewed or evidence was not sought, including the reasons for this.

If any additional conduct issues – whether related or unrelated – emerge during the investigation, the Investigating Officer must inform the Associate Director of Complaints and Investigations. A decision will then be taken as to whether further action is required and whether the matters should form part of the same investigation or a separate process.

Where a matter proceeds to a Disciplinary Hearing, the Investigating Officer will be required to present their findings. This will include preparing questions for any witnesses to be called and making submissions to the Panel.

ANNEX D1



DISCIPLINARY HEARING PROCEDURE

D1.1 The Disciplinary Panel has the authority to determine the format of the hearing providing it includes the following elements:

- Presentation of the findings by the Investigating Officer or by another appointed Presenting Officer where the Investigating Officer is unable to attend
- Evidence from any witnesses called by the Investigating Officer or Presenting Officer, followed by questions from the respondent member and/or the Panel.
- Representations made by the respondent or their representative.
- Evidence from any witnesses called by the respondent, followed by any questions from the Investigating Officer or the Panel.
- Closing submissions from the Investigator Officer or Presenting Officer.
- Closing submissions from the respondent or their representative

D1.2 During the hearing, the respondent must be given reasonable opportunity to respond to the allegations, present evidence, and call relevant witnesses.

D1.3 No new allegations or charges against the respondent may be introduced at the hearing.

D1.4 The Disciplinary Panel may adjourn the hearing at its discretion, including where it considers it necessary to allow either party to produce further evidence.

D1.5 Before reaching a final decision, the respondent must be given the opportunity to present any mitigating circumstances for the Panel's consideration.

Preparation

The respondent must be given a minimum of 15 working days' notice of the date, time and location of the disciplinary hearing to allow adequate time to prepare and attend.

At least seven working days before the hearing the respondent should must:

- Confirm whether they will attend the hearing
- Submit any written statements or documentary evidence they wish the Panel to consider; and
- Provide details of any witnesses they intent to call.

During the hearing, the respondent's representative may make representations to the Panel and ask questions on the respondent's behalf but must not answer any questions directed to the respondent. The respondent may confer with their representative in private at any point during the hearing.

The Hearing

The following order of proceedings should be followed as a guide:

1) Introductions
2) Explanation of the purpose of the hearing
3) Explanation of the procedure to be followed
4) Reminder to all parties of the requirement for confidentiality
5) Notification as to whether the hearing is being recorded for transcription purposes
6) Presentation of the Investigating Officer's findings and case
7) Presentation and questioning of witnesses called by the Investigating Officer
8) Questions from the respondent or their representative to those witnesses
9) Questions from the Panel to those witnesses
10) Clarification by the Investigating Officer of any outstanding matters arising from witness evidence
11) Questions from the respondent, their representative, or the Panel to the Investigating Officer
12) Presentation of the respondent's case
13) Presentation and questioning of witnesses called by the respondent
14) Questions from the Investigating Officer to those witnesses
15) Questions from the Panel to those witnesses
16) Clarification by the respondent or their representative of any outstanding matters arising from their witness evidence
17) Questions from the Investigating Officer and/or the Panel to the respondent
18) Closing submissions by the Investigating Officer and/or the Panel to the respondent
19) Closing submission by the respondent or their representative
20) Final opportunity for the respondent to add anything further
21) Panel deliberations in private

Outcome

The respondent will be notified of the outcome of the hearing in writing, together with details of their right of appeal. This notification will normally be

issued by the Panel Chair within seven days of the hearing, unless otherwise advised.

Adjournment

In some circumstances, the Panel may determine that it is necessary to adjourn the hearing in order to undertake further investigation arising from new points raising during the hearing. Where this occurs, the respondent must be given a reasonable opportunity to consider any new information obtained before the hearing is reconvened.

ANNEX D2



FAST TRACK PROCESS

D2.1 The fast-track disciplinary process allows for cases to be dealt with in a timely manner where the facts are accepted. An investigating officer will not be required.

D2.2 Those situations where fast track may be suitable are as follows:-

· Incidents that are regarded as 'Misconduct' that could result in either a first or final written warning.
Where there is sufficient information and evidence to determine that a formal warning may be appropriate
· The member against whom the allegations are made has admitted them in full.

D2.3 Cases considered to be gross misconduct cannot be considered for fast track.

D2.4 This must be agreed by the member and their representative where appropriate.

D2.5 If the decision has been made to fast track, then the following process should be followed:

- The Associate Director of Complaints and Investigations will ensure there is a written statement from the complainant together with any supporting information.
- The member will be invited to attend a fast track meeting which will include a copy of all information plus the date, time and venue of the meeting (this should be sent no less than 7 calendar days before the meeting). The member retains the right to be accompanied.
- The member should be advised that it may result in disciplinary action up to and including a final written warning.
- No witnesses will be called.

D2.5 The procedure for the fast track meeting is as follows:

- The nature of the allegation(s) are outlined.
- It is confirmed that the member admits the allegation(s).
- The member or their representative will have the right to put forward any mitigation relating to the incident.
- The member will be advised of the decision.

- Confirmation of the decision and any sanction will be in writing.
- Written agreement of the sanction must be provided by the member.

D2.6 Should the member wish to appeal the outcome of a fast-track meeting an investigation under the formal process will commence.

ANNEX E

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RECORD OF INTERIM MEASURES

Record of Interim Measures/Review Checklist

Please complete the following checklist when considering any case where interim measures are applied.

Member Name		
Member region/country and role within RCN if appropriate.		
Allegation & date		
Managers authorising interim measures & date		
Date of interim measure		
Date interim measure to be reviewed & by whom		
Consideration	Y/N	Comments Continue on a separate sheet as necessary
Does the member remaining in place present a threat, danger or a risk to themselves or others?		
Is there a risk that the member might interfere with or compromise an investigation by remaining in their role/membership?		
Is there a concern that further serious misconduct or offences might occur?		
Could this allegation be regarded as misconduct or gross misconduct?		
Have criminal charges/professional regulatory body complaint been brought against the member?		

Would it be difficult to continue in their role during the investigation?		
Is there a concern that without interim measures the respondent may remain at risk to further challenge or allegations?		
Have all alternatives to suspension been considered? If so, what? For what reason(s) have these been discounted?		
What terms or conditions should be in place for the interim measures?		

1st Interim Measures Review:

Date measures reviewed and by whom	
Are interim measures to continue?	
What information was considered when deciding on review outcome?	
Date member informed of outcome of interim measures review:	

2nd Interim Measures Review

Date measures reviewed and by whom	
Are interim measures to continue?	
What information was considered when deciding on review outcome?	
Date member informed of outcome of interim measures review:	

ANNEX F



EXAMPLES OF UNACCEPTABLE BEHAVIOUR

The following is not an exhaustive list but helps to define what types of behaviours are considered unacceptable by the RCN.

The following behaviours are likely to be viewed as misconduct:

1.1 Acting outside the Member Code of Conduct
1.2 A failure to follow appropriate RCN policies and guidance
1.3 Acting in a manner which is prejudicial or detrimental to the RCN
1.4 Refusing to co-operate with the RCN's Member Resolution and Disciplinary Policy
1.5 Knowingly providing false or misleading information relating to a member or any other aspect of Union activities.
1.6 Constant, disruptive behaviour
1.7 Failure to disclose conflicts of interest
1.8 Misuse of RCN resources for personal gain
1.9 Breaches of confidentiality
1.10 Financial impropriety

The following behaviours are likely to viewed as gross misconduct:

2.1 Unauthorised use of RCN property or resources
2.2 Where actions bring the RCN into disrepute
2.3 Theft or fraud
2.4 Physical violence or abusive behaviour
2.5 Unwelcome physical contact or sexual harassment
2.5 Gross negligence
2.6 Serious breaches of confidentiality
2.7 Serious financial impropriety

ANNEX G



DOCUMENT AND VERSION CONTROL

Version	Date	By	Summary
V1.0	January 2024	Member Relations	Full review of policy, layout and content.
V1.1	March 2024	Member Relations	Additional clarification around roles and process for considering interim measures.
V1.2	July 2024	Member Relations	Revisions to policy content following feedback from RCN Council.
V1.3	August 2024	Member Relations	Revisions to policy content following feedback from RCN Council on approval in July 2024
V1.3	January 2025	Member Relations	Minor change reflecting job title.
V1.3	October 2025	Member Relations	Update to 8.7.1 re elected Council members – AGM 2025
V1.4	April 2026	Member Relations	Full policy review