

# RCN Member Resolution Policy

## Version 2

### Document control summary

<b>Title</b>	RCN Member Resolution Policy
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<b>Author(s)</b>	Richard Jones, Lead for Council Task and Finish Group. Support provided by Jo Lewis, Customer Relations Manager.
<b>Approved by</b>	RCN Council
<b>Appendices</b>	Appendix 1: Member Resolution Process Appendix 2: Standards for Investigation
<b>Circular 2018/349.3 O.E.J. 30</b>	

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<b>Version</b>	<b>Date</b>	<b>Summary</b>
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## Policy Statement

The Royal College of Nursing (RCN) aims to provide the very best member and customer experience, which is dependent on the positive behaviours and conduct of both staff and all RCN members.

This process sets out the actions to be taken to address such matters and the roles and responsibilities for those individuals involved in the process. This procedure is not intended to be punitive, but to set out steps to deal with a situation reasonably, and where possible to enable informal resolution to help members to improve their standards of conduct or behaviour to reach acceptable standards. Where necessary more formal action may be taken as a result of the more serious end of conduct.

The aim of this policy is to:

- x Enable the RCN to remedy any problems of misconduct or behaviour promptly and effectively.
- x Ensure members are informed of the action that may be taken if they fail to meet the 5 & 1 ¶ V VWDQGDUGV RI FRQGXFWDQG EHKDYLRXU
- x Deal with conduct

## Member Resolution Process

### 1. Principles

- 1.1. That process and sanctions are to ensure that members of the RCN uphold the  
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- 1.2. The principle of natural justice is reflected in this policy and will be carried out in practice.
- 1.3. Members must act within the standing orders, code of conduct and regulations of the Royal College of Nursing Royal Charter. This policy will be applied where the standards of behaviour and conduct of members are alleged not to have met those expectations and requirements.
- 1.4. No member of the RCN will be subject to the resolution policy in respect of matters directly related to the Trade Union Relations (Consolidation) Act 1992 or the Trade Union and Labour Relations (Northern Ireland) Order 1995 s.31 - 34. This relates, for example to disciplining a member for failing to participate in or support industrial actions, or for leaving the RCN or joining another union.
- 1.5. Where issues raised relate to representation or service provided by the RCN the customer complaint process would have been fully explored before moving to the resolution process. There may be exceptional cases, however, where it

- 1.9.3 Where actions bring the RCN into disrepute.
- 1.9.4 A failure to follow appropriate RCN policies and guidance
- 1.9.5 Theft or fraud
- 1.9.6 Physical violence or abusive behaviour
- 1.9.7 Gross negligence
- 1.9.8 Serious breaches of confidentiality
- 1.9.9 Acting in a manner which is prejudicial or detrimental to the RCN
- 1.9.10 Knowingly providing false or misleading information relating to a member or any other aspect of Unions activities
- 1.9.11 5 HIXVLQJ WR FRRSHUDWH ZLWK 5 & 1 ¶ V UHVROXWL

1.16.2 who is a work colleague employed by the same employer as the member and does not present a conflict of interest for the member or the RCN.

1.16.3 Of the members choice subject who does not present a conflict of interest to the member or the RCN.

1.16.4 Legal representation is not permitted, however the RCN has discretion to permit it in exceptional circumstances.

## **2. Responsibilities**

2.1. Chair of Council is responsible to members to the appropriate implementation of this process and procedure.

2.2. The overall responsibility of the customer complaints and resolution policy sits with the Director of Wales (RCN Executive team lead for Customer Service Centre).

2.3 All staff and members have a responsibility to report concerns appropriately, and to









### **3. Informal Resolution**

3.1. Any Member who is a witness to a breach in the code of conduct has a responsibility to raise their concerns ideally with an appropriate member of staff if the Member is not comfortable approaching the individual personally they should report the observed behaviour to a member of staff.

3.2.



## **5. Investigation**

- 5.1 The individual will be notified by the Resolution Owner in writing of the concerns raised, and the process that will be followed, this should include any interim arrangements to be put in place.
- 5.2 An appropriate person (Investigating Officer) will be assigned by Customer Relations Manager to investigate within 5 working days. If there are problems meeting this timescale this should be communicated to the member by the Customer Relations Manager. The investigating officer will be impartial and with no realistic prospect of bias. Or the matter raised and should be suitably trained to manage the investigation in line with Table 1.
- 5.3 An appropriate investigation will be carried out, without unreasonable delay by the RCN, to establish the facts of the case so that an informed decision can be made whether to proceed to a resolution hearing. The investigation should be conducted in line with Standards for Investigation (Appendix 2) and the agreed investigation report format.
- 5.4 Any individual 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 as part of a Resolution Hearing at which the individual may be called to attend as a witness.
- 5.5 A member is entitled to be represented at an investigatory meeting.
- 5.6 The Investigating Officer should seek to complete the investigation within 25 working days. If the investigation cannot be completed within this time the Customer Relations Manager should be informed and the member updated.
- 5.7 The Investigating Officer will present their findings along with the supporting evidence to the Resolution Owner who will determine whether there is a case to answer.
- 5.8 Should the Resolution Owner believe that there is sufficient information to suggest the matter proceed to Resolution Hearing this should be notified to a member of the Executive Team.
- 5.9 If it is decided by the Resolution Owner that there is no case to answer then the member should be informed; welcomed back and supported as necessary. Formal notification of the outcome will be sent to the member by the Customer Relations Manager within 5 working days.

## **6 Notification of Hearing**

- 6.1 If it is decided that there is a case to answer the individual should be notified in writing within 5 working days by the Customer Relations Manager that the matter will be heard at a Resolution Hearing.
- 6.2 The notification should include:

- 6.2.1 Summary of the case against the member and specific allegations to be dealt with at the hearing
- 6.2.2 Any written investigation report arising out of the investigation
- 6.2.3 Any written evidence and witness statements that will be presented at the hearing.
- 6.2.4 Details of the time and venue for the hearing
- 6.2.5 Attendees at the hearing
- 6.2.6 Confirmation that the respondent may submit witness evidence or documentation to be present at the hearing
- 6.2.7 Confirmation of their right to be accompanied at the hearing. Representation from the RCN will not be available.
- 6.3 The hearing should be held without unreasonable delay. All parties should be given 21 days notice to allow sufficient notice to attend.
- 6.4 The individual can attend in person or submit a written response to the Resolution Panel. If the individual or their representative is unable to attend the hearing then a rescheduled date will be arranged. Hearings will be rescheduled, and can proceed without attendance if required.
- 6.5 At least seven days before the hearing the respondent should:
  - 6.5.1 Submit any written response, witness statements and documentary evidence.
  - 6.5.2 Advise whether they will attend the hearing, and if so given notice of any representative.
  - 6.5.3 Confirm the details of any witnesses they may wish to call.

## **7 Holding a Resolution Hearing**

- 7.1 The RCN Resolution Panel will hear the investigation findings and consider the evidence.
- 7.2 The Resolution Panel members shall be selected from a pool of members and external volunteers with relevant skills and backgrounds appointed by RCN Council annually and trained for this purpose.
- 7.3 Resolution panel members will have;
  - 7.3.1 Have a minimum of 3 members ±one of which will be a member of RCN Council chairing the panel. In the case where a Council member is the respondent the panel will be chaired by an independent person.

- 7.3.2 Shall have no conflict of interest with the allegation(s) to be heard
- 7.3.3 Reflect equality, diversity and inclusion good practice.
- 7.3.4 A note taker will also be present.
  
- 7.4 The order of the hearing will be the investigator who then goes first and calls witnesses; followed by the member with his or her witnesses; both parties being allowed a closing statement with the member going last.
- 7.5 During the hearing, the respondent may put forward their response to the allegation(s). They should also be given a reasonable opportunity to ask questions, present evidence and call relevant witnesses.
  
- 7.6 The member should be given an opportunity to raise points about any relevant information provided by witnesses.
  
- 7.7 No new charge against the respondent should be raised at the hearing;
  
- 7.8 The RCN Resolution Panel may adjourn the hearing to allow either party to produce further evidence, or for any reason, at its discretion.
  
- 7.9 Before a final decision



9.5.1 misconduct/behaviour is minor; or

9.5.2 similar issues have previously been addressed informally





10.7.1 uphold in full the decision;

10.7.2 uphold the decision but partially or fully overturn or vary the findings

10.7.3 overturn the decision and substitute it with the appeal

12.6 Care need to be taken at the end of the process to ensure that a respondent understands the outcome of the process and any following action identified.

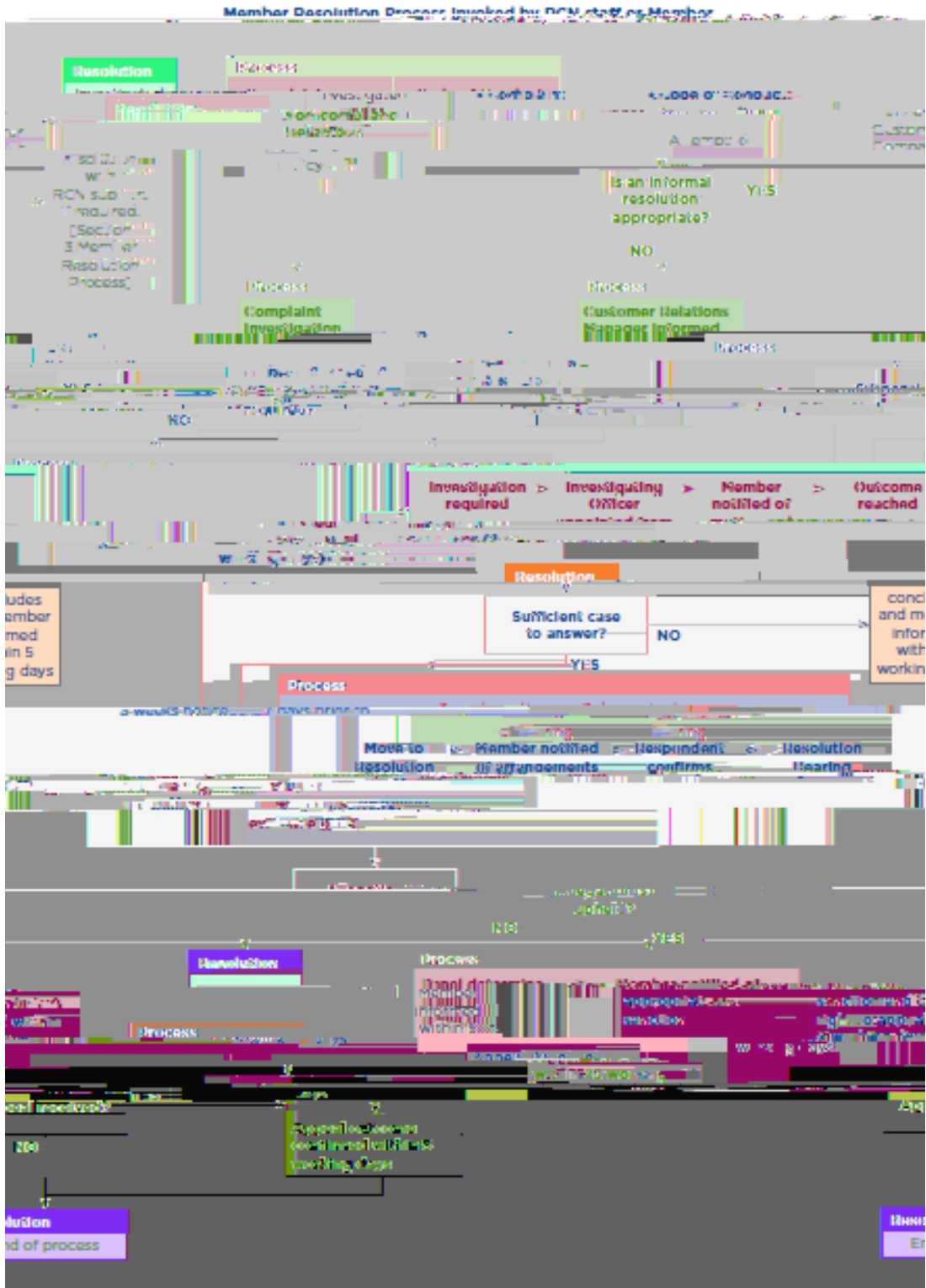
### **13 Impact Assessment Statement**

13.1 This policy has been impact assessed in accordance with the Royal College of Nursing Impact Assessment Guide. It has been found to be neutral with regard to its impact upon specific equality groups.

### **14 Policy Review**

14.1 It is the responsibility of Customer Relations Manager to monitor and review this policy, and to recommend any necessary changes to the Executive Team.

Appendix 1: Member Resolution Process



## Appendix 2: Standards for Investigation

### **Standards for Investigation**

The Investigating Officer will invite the member to an investigatory meeting in order to