



Royal College of Art

Postgraduate Art & Design

Grievance Policy and Procedure (Non-academic staff)

1. Purpose and scope

- 1.1 The Royal College of Art ("the College") recognises that staff may sometimes have concerns, problems or complaints that they wish to raise in relation to their employment. The College aims to resolve any issues within the workplace. To enable this, it is important that these issues are brought out into the open so that they can be resolved fairly, consistently and without unreasonable delay.
- 1.2 This policy aims to encourage free communication between staff and their colleagues/line managers to ensure that questions and any problems arising during the course of employment can be aired and, where possible, resolved quickly and to the satisfaction of all concerned.
- 1.3 This grievance policy and procedure applies to all current non-academic staff. If a member of staff raises a grievance prior to leaving the College's employment, the College will conduct an investigation and provide a written response to the complainant.
- 1.4 This policy aims to ensure that where problems are identified, they are dealt with promptly and consistently. This policy follows the Advisory, Conciliation and Arbitration Service (ACAS) Code of Practice 1 as laid down in the ACAS guide on discipline and grievances at work¹.
- 1.5 The director of human resources has overall responsibility for ensuring the consistent application of this policy and procedure.

2. Principles

- 2.1 A grievance is a concern, problem or complaint raised by a member of staff normally to their line manager about issues related to their work, working conditions or relationships with their colleagues.
- 2.2 In this procedure "complainant" refers to the member of staff with a grievance and "respondent" refers to the member of staff against whom the grievance has been raised. The term "parties" refers to the complainant and the respondent.
- 2.3 There may be occasions when a grievance relates to an issue covered by one of the following policies, procedures and guidelines, and where it may be more appropriate to follow the procedures set out there:
 - disciplinary policy and procedure for non-academic staff;

¹ ACAS Code of Practice 1 – Disciplinary and grievance procedure



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- capability procedure;
- anti-bullying, harassment & victimisation procedure – the right to respect;
- redundancy procedure;
- public interest disclosure (whistle blowing) policy

- 2.4 If a staff member has a grievance and is unsure what to do, s/he should raise the issue with the appropriate human resources manager or his/her local trade union representative.
- 2.5 Where an employee raises a grievance that is frivolous or vexatious or any person involved gives deliberately misleading statements, s/he may be subject to disciplinary action.
- 2.6 At all formal stages of this policy and procedure, the member of staff will have the right to be accompanied by either a trade union representative or a colleague currently employed by the College.
- 2.7 All members of staff will be treated in line with the College's equality and diversity policy.

3. Informal stage

- 3.1 When staff have an issue, they are expected to raise it promptly. In many cases issues can be raised and settled during the course of everyday working relationships. Staff are encouraged to make every attempt to resolve issues informally before considering raising a formal grievance. It is recognised, however, that there are occasions when it may be more appropriate to proceed immediately to the formal stage of this procedure.
- 3.2 Normally the first step would be to raise the matter with the appropriate member of staff concerned, with a view to resolving the matter by way of constructive discussion.
- 3.3 Alternatively, or in addition, staff should consider speaking to his/her line manager or a human resources manager about the situation, who will work with him/her to try to determine the most appropriate approach to address the issue(s), according to the circumstances.
- 3.4 Another option is to consider entering into a facilitated discussion in an attempt to address any issues constructively (for example, through mediation. Please refer to section 4 below).
- 3.3 Where attempts to resolve the matter at the informal stage have proven unsuccessful, then the matter may be raised at the formal stage.
- 3.4



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4. Mediation

4.1 As part of the informal steps towards resolving any work-related issues a member of staff may wish to consider mediation. This is a voluntary process by which a trained and impartial person helps others to resolve their difficulties. The mediator will be an impartial third party. Mediation is undertaken without any admission of wrongdoing by any party, and without preventing the opportunity to pursue the complaint at the formal stage. Mediation can only proceed with the agreement of all parties involved in the grievance.

4.2 If a member of staff decides that s/he wishes to utilise mediation, s/he should explore this option with his/her line manager or the appropriate human resources manager.

5. Formal stage

5.1 Step one

Without unreasonable delay, the staff member should write to their line manager (copied to the appropriate human resources manager) setting out the nature of the complaint, why attempts to resolve it have proved unsuccessful and giving an indication of the resolution sought. If there are any documents or letters that are relevant to the complaint, the staff member should include copies of them.

Where the complaint is about his/her line manager, the staff member should send the grievance to the director of human resources, who will determine the most appropriate person to hear the grievance.

5.2 Step two

After the College² receives the written statement of complaint, the staff member will be asked to attend a meeting to discuss it in more detail. At this meeting the staff member can be accompanied by a colleague or trade union representative. A human resources manager will also be present. The meeting will held without any unreasonable delay, usually within 10 working days and the staff member (and his/her representative) should make every effort to attend.

If considered appropriate, the meeting may be adjourned to allow the circumstances of the grievance to be more fully investigated (please refer to section 7).

After the meeting, the College will write to the member of staff and any other relevant parties, normally within ten working days, to outline its response to the complaint. The member of staff will be reminded of his/her right of appeal if s/he is not satisfied with the response.

² The College is the responsible officer who has been charged with progressing the grievance.



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5.3 Step three (appeal)

If the staff member wishes to appeal s/he should write to the director of human resources within ten working days following receipt of the College's letter to him/her setting out its response to the complaint. The letter should include the ground(s) for appeal.

Appeals may be raised on a number of grounds including:

- a failure to follow procedure;
- the evidence did not support the conclusion reached;
- any proposed action was inappropriate given the circumstances of the case;
- new evidence has genuinely come to light since the first hearing.

After the appeal letter is received, the College will invite the member of staff to attend an appeal meeting, giving at least five working days' notice, without unreasonable delay, to discuss the grounds in more detail. The staff member will be reminded of his/her right to be accompanied to any such meeting. There is an expectation that the member of staff should be available to attend this meeting.

The appeal hearing will be conducted by an individual independent of the person who conducted the initial grievance hearing and who has no previous involvement in the matter. The appropriate individual will be determined by the director of human resources.

After the appeal meeting, the College will write to the staff member and any other relevant parties, normally within ten working days, with a final response. There is no further right of appeal following this response.

6. Investigation

6.1 Normally the manager hearing the grievance will carry out any investigation that is necessary under the formal stage of the process (section 5). In certain circumstances, the director of human resources may deem it appropriate for an investigation to be conducted by a third party and will appoint an investigating officer.

6.2 Witness statements and supporting documentation may be sought as part of the investigation process.

6.3 The meeting (referred to at Step two (paragraph 5.2) with the staff member raising the grievance, may form part of the investigation process. Or alternatively, a separate investigation meeting will be arranged.

6.4 Where the investigation is conducted by a third party, the results of the investigation will be provided to the manager hearing the grievance in the form of



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a written report. This report will also be made available to the staff member raising the grievance.

7. The right to be accompanied

7.1 At any grievance meeting (or subsequent appeal meeting) a staff member attends, s/he may be accompanied by a single representative. Any member of staff who attends an investigatory meeting may also be accompanied at the meeting.

The representative must be either:

- a colleague who currently works for the College; or
- a trade union representative (local or full-time)

7.2 The College reserves the right to refuse to accept a representative whose presence would undermine or prejudice the grievance process or who might have a conflict of interest.

7.3 The representative will be permitted to address the meeting to:

- present and sum up the staff member's case/submission;
- respond on behalf of the staff member to any views expressed at the meeting;
- confer with the staff member during the meeting.

7.4 The representative will not be permitted to:

- answer questions on behalf of the staff member;
- address the meeting against the wishes of the staff member;
- prevent the staff member from explaining their case/submission.

8. Relationship with disciplinary policy and procedure

8.1 It is important to clarify that the grievance and disciplinary procedures are distinct and separate. The grievance policy and procedure cannot be used to appeal against a disciplinary decision.

8.2 However, should a situation arise where a staff member feels that the manner of a disciplinary investigation is unfair and chooses to instigate a grievance regarding that issue, consideration will be given to temporarily suspending the disciplinary investigation/hearing whilst the grievance is investigated.

8.3 If it is possible for the disciplinary procedure to progress fairly despite the existence of the grievance, that will be the preferred course of action. The final decision about such matters rests with the director of human resources.

8.4 This policy and procedure is intended to create a means for staff to address any genuine work-related concerns or complaints that may arise throughout the course of their employment at the College. However, if at any time, the College



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has reason to believe that a staff member has lodged a vexatious complaint, it reserves the right to invoke the disciplinary procedure, where this is deemed to be the most appropriate course of action as determined by the director of human resources.

9. Timescales

- 9.1 The College will deal with all grievances promptly and, wherever possible, in line with the timescales outlined in this policy.
- 9.2 It is recognised that there are occasions when it is not possible to meet the timescales set out within the policy due to unforeseen and exceptional circumstances. Where timescales cannot be met owing to such exceptional circumstances, a written explanation of the reasons for exceeding the time limits will be provided to the staff member, accompanied by a revised timetable for progression of the grievance.

10. Confidentiality

- 10.1 All parties involved in this procedure must ensure that they maintain, as appropriate, the confidentiality of the process within and outside the College.
- 10.2 So far as is reasonable, the College will maintain confidentiality throughout the course of this procedure. However, staff should be aware that it may be necessary to disclose certain information so that the College can fully investigate the circumstances of a grievance. Similarly, the College cannot be bound by the obligation of confidentiality or a request to take no action where it is advised of wrongdoing that it considers appropriate to take action upon.

11. Record-keeping

- 11.1 The College will keep a record of grievances made, including the written statement setting out the grievance, all letters sent in respect of the grievance and all written statements provided by staff or witnesses.
- 11.2 Normally notes of grievance meetings and appeal meetings will be taken by a member of staff from human resources. Notes will be used only for reference by the person hearing the grievance/appeal.
- 11.3 All records will be maintained in accordance with the College's obligations in terms of data protection requirements and, as such, will be held for no longer than is necessary for the purposes for which they were obtained.

12. Questions or complaints

- 12.1 Clarification on the terms or operation of this policy and procedure may be obtained from a human resources manager or the College's recognised trade



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unions. Any complaints in relation to the policy and procedure or its operation should be directed to the director of human resources.

Human Resources
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