

Royal Northern College of Music

Grievance Policy

Policy & Procedure

Department: Human Resources

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Resources

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RNCM
ROYAL NORTHERN
COLLEGE of MUSIC

1 Purpose

Under the terms of the Articles of Government, the Board of Governors, after consultation with the staff, shall prescribe by Regulation procedures according to which staff may seek redress of any grievances relating to their employment.

It is the College's policy to ensure that employees with a grievance relating to their employment can use a procedure which can help resolve grievances as quickly and as fairly as possible.

The College aims to resolve the majority of employee grievances informally with their line manager, and to promote good working relationships between members of staff. To support these aims, all parties should consider mediation as a potential route to resolution. Where a grievance cannot be settled informally, an employee should raise the matter through the formal procedure.

This policy has been developed to enable individual employees to raise grievances with management about employment matters directly affecting the individual or their personal dealings or relationship with other employees of the College.

In applying this policy the College will not discriminate on any unlawful grounds including but not limited to grounds of age, disability, gender-reassignment, marriage and civil partnership, pregnancy and maternity, race, religion and belief, sex, and sexual orientation.

This policy should not be used where separate policies and procedures exist for dealing with grievances on particular issues, for example disclosures of malpractice should be managed in accordance with the Public Interest Disclosure Procedure (Whistleblowing), and re-grading matters are dealt with under the appeals procedure of the job evaluation and grading review policy. A grievance cannot be raised on the outcome of an appeal decision.

2 Scope

This policy applies to all categories of RNCM employees who are employed under a permanent or fixed term contract.

It may be used for the resolution of a group or collective grievance where the relevant staff have a shared reporting line.

3 Informal Procedure

When an employee feels aggrieved about the behaviour or actions of any work colleagues, if at all possible he/she should first discuss the grievance informally with the individual(s) concerned. Sometimes they will not be aware that their behaviour or actions are causing a problem. Often issues can be resolved at this point through discussion and clarification, and informal resolution of grievances should be the priority wherever possible.

If such action fails, or is not relevant, and an employee wishes to raise a grievance about their employment he/she should discuss it informally with their Line Manager, or with the next level of line management, where the subject of the complaint is the Line Manager. The employee should make it clear that their concerns constitute a grievance and should indicate their preferred remedy.

The Line Manager will respond as soon as is practicable (normally within 5 working days) and will inform the employee of any action they have taken/intend to take to resolve the

grievance. It is hoped that the majority of concerns will be resolved at this stage. This is more likely to produce effective solutions, minimise conflict and allow staff to maintain positive working relationships.

4 Mediation

The College may feel that it is appropriate in certain cases to use an independent third party or mediator to help resolve a grievance and if so the employee will be consulted as to whether they would be happy to proceed with such a course of action.

If an employee decides he/she would like to use mediation he/she should discuss the matter with HR. Mediation can only proceed with the agreement of all the parties involved in the grievance.

Mediation is undertaken without any admission of wrong-doing by any party, and without preventing any opportunity to pursue formal action. If mediation is deemed to be an appropriate method of attempting to resolve the dispute whilst the grievance procedure is ongoing, the grievance process will be suspended whilst the mediation is carried out. Mediation may take place at any time, if the parties agree, including after conclusion of any formal grievance process.

5 Right to be accompanied

In line with the ACAS code of practice, the employee must choose their companion from one of the following:

- a work colleague
- a workplace trade union representative who's certified or trained in acting as a companion
- an official employed by a trade union

The College will make reasonable adjustments for disabled employees. This might mean allowing someone else to attend, for example a support worker or someone with knowledge of the disability and its effects.

The College may allow companions who do not fall into the above categories and employees should seek approval from the College beforehand.

6 Formal Procedure

6.1 Statement of Grievance

If a grievance cannot be settled informally or a formal approach is preferable, the employee should set out their grievance in writing, without unreasonable delay, and send it to HR, who will liaise with the School/Department as necessary and make the arrangements for an authorised person, as shown in Appendix A, to hear the grievance as soon as possible.

The statement should state clearly the basis of the complaint and the name of the person(s) against whom the grievance is raised.

6.2 Grievance Hearing

a) Notification

Upon receipt of a formal grievance, the employee will be invited to a meeting with an appropriate authorised person (see Appendix A) to discuss the issues which are causing concern. The employee should be informed that they have the right to be represented or accompanied by a trade union representative or fellow employee of their choice.

If the nature of the grievance involves another employee and they are called to attend the meeting to discuss the issue, the same right to representation will apply. The employee will be notified that a formal grievance has been received against them and they will be provided with a copy of the complaint.

A member of the HR Department will be present at the hearing for the purposes of note taking.

The meeting should take place as soon as is practicable and normally within 5 working days of receipt of the grievance letter. The employee must take all reasonable steps to attend this meeting.

b) Postponement

Where an employee's representative cannot attend on a proposed date, the employee can suggest another date so long as it is reasonable and is not more than 5 working days after the date originally proposed by the College. The 5 day time limit may be extended by mutual agreement.

c) Conducting the Meeting

The employee will be given the opportunity to explain their complaint and say how they think it should be settled.

If at any stage during the meeting the authorised person hearing the grievance feels that advice or further investigation is necessary the meeting will be adjourned.

d) Decision

The employee will normally be notified in writing of the decision within 10 working days (or a longer agreed period). Where it is not possible to respond within this time, the employee will be given an explanation for the delay and told when a response can be expected. The letter should, where practicable be handed to the employee or where this is not possible, sent by recorded delivery to the employee's home address.

The manager will consider any informal processes and subsequent outcomes that have been undertaken. The decision will take into account whether similar grievances have been raised before, how they have been resolved, and any follow up action that has been necessary, to ensure consistency of treatment.

As set out in section 5, mediation may be considered at any stage, including after conclusion of any formal grievance process, if the parties agree.

The notification will advise the employee of their right to appeal.

7 Right of appeal

7.1 Application

An employee wishing to appeal against a decision taken about a grievance must submit their appeal to HR, in writing, within 5 working days of receiving written notification of the outcome of the grievance hearing.

The employee should state the reason for their appeal, and confirm their proposed remedy. The grounds for appeal must be for one (or more) of the following reasons:

- a) A failure to follow procedure had a material effect on the outcome, or the process was flawed in some significant way.
- b) The decision was inappropriate given the evidence presented.
- c) New evidence has come to light since the original hearing.

7.2 Appeal Hearing

Where possible the appeal hearing will be convened as soon as possible, normally within 10 working days of receipt of the appeal.

An appeal will be heard by two senior managers who have had no previous significant involvement in the case (see Appendix A). Records and notes of the original grievance meeting will be made available to the managers hearing the appeal. The manager who made the decision against which the employee is appealing will normally attend the appeal meeting. A member of HR will be present at the hearing to support the panel and take notes.

The employee will be informed of the arrangements for the hearing as soon as possible and of their right to be represented by a trade union representative or accompanied by a fellow employee of their choice.

7.3 Decision

The appeal decision and the reasons for it will be confirmed in writing to the employee within 10 working days (or a longer agreed period). The notification will identify that the decision is the final stage of the College's appeals procedure. The letter should, where practicable, be handed to the employee or where this is not possible, sent by recorded delivery to the employee's home address.

8 Grievance Records

Records taken and produced during the process will be held confidentially within the Human Resources Department in accordance with the General Data Protection Regulations 2018.

Copies of formal minutes of any meetings should be given to the employee. However, in certain circumstances (for example to protect a witness) the College may withhold some information.

9 **Related Policies**

- **Disciplinary Policy and Procedure**
Where an employee raises a grievance (or grievances) which, in the opinion of HR, is linked either to the issues which have given rise to a disciplinary action or to the manner in which the disciplinary procedure has been or is being conducted, the College may determine that the employee's complaint be considered and addressed within the operation of the disciplinary procedure.
- **Public Interest Disclosure Procedure (Whistleblowing).**
- **Equality and Diversity Policy**
- **Dignity at Work Policy**

Appendix A

PERSONS AUTHORISED TO HEAR FORMAL GRIEVANCES*

| MEMBER OF STAFF RAISING GRIEVANCE | PERSON AUTHORISED TO HEAR GRIEVANCE | PERSON AUTHORISED TO HEAR APPEAL |
|---|---|--|
| Member of Executive Committee (Note: in this context the Principal is not regarded as a member of Executive Committee) | Deputy Principal (Operations or Performance and Programmes) (DP(O) / DP(P&P)) or nominee | The Principal in the Chair, together with two Independent Members of the Board of Governors |
| | <p>If grievance is against DP or another member of Executive Committee, or raised by the DP, the authorised person will be the Principal.</p> <p>If grievance is against the Principal, the authorised person will be an Independent Member of the Board of Governors</p> | <p>Three Independent members of the Board of Governors</p> <p>The Chairman of the Board of Governors in the Chair, together with two other Independent Members of the Board</p> |
| Member of academic/professional services staff | Head of School/Department/Line Manager | Member of the Executive Committee in the Chair, together with two managers / academics who are at the same level or senior to the person who heard the original grievance |
| | <p>If the grievance is against Head of School/Department/Line Manager, the authorised person will be a member of Executive Committee</p> <p>If grievance is against another member of Executive Committee the authorised person will be the Principal</p> | <p>The Principal or Deputy Principal in the Chair, together with two managers / academics who are at the same level or senior to the person who heard the grievance</p> <p>Three Independent members of the Board of Governors</p> |
| | If the grievance is against the Principal, the authorised person will be an Independent member of the Board of Governors | The Chairman of the Board of Governors in the Chair, together with two other Independent Members of the Board |

*This list is illustrative and not exhaustive. The principles are that:

- A sufficiently senior line manager can deal with a grievance, or can nominate a deputy as the manager authorised so to deal.
- Persons authorised to take action at each stage must have no previous significant involvement in the case.
- A member of Human Resources will be consulted and will advise on the appropriate authorised person at each stage.
- Where circumstances prevent one or more steps being taken within a reasonable period (e.g. long-term ill-health of an authorised person), another suitable authorised person may be appointed to continue the procedure.