



Royal College of Art

Postgraduate Art & Design

GRIEVANCE POLICY

1. Introduction

- 1.1. The Royal College of Art ("the College") believes that all employees should be treated fairly and with respect and recognises that employees may sometimes have concerns or complaints in relation to work, working relationships or the working environment.
- 1.2. This policy aims to encourage free communication between employees and their colleagues/managers to ensure that any problems arising during the course of employment can be aired and, where possible, resolved quickly and to the satisfaction of all concerned. A further aim of the policy is to ensure that proceedings are conducted in a manner which provides confidentiality and security to all parties involved in what can be a difficult and stressful process.
- 1.3. This policy sets out the Colleges' approach to dealing with grievance matters. It does not form part of employees' contractual terms of employment and thus may be subject to change from time to time. Such changes will be made and notified following consultation with the recognised trade unions (except where changes are made to comply with new or amended legislation in which case such consultation will not be required).

2. Principles

- 2.1. This policy and procedure is underpinned by the principles laid out in the Statute that staff of the College, whilst engaged in teaching, research or knowledge exchange, have freedom within the law to question and test received wisdom, and to put forward new ideas and controversial or unpopular opinions without placing themselves in jeopardy of losing their jobs or privileges.
- 2.2. This policy follows the Advisory, Conciliation and Arbitration Service (ACAS) Code of Practice as laid down in the ACAS guide on discipline and grievances at work.
- 2.3. In this procedure "complainant" refers to the employee with a grievance and "respondent" refers to the employee against whom the grievance has been raised. The term "parties" refers to the complainant and the respondent.

- 2.4. At all formal stages of the procedure the employee will have the right to be accompanied by either a representative of a trade union, or a work colleague.
- 2.5. The person or persons against whom the complaint has been lodged will have full opportunity to respond to the allegations made against them and will also be entitled to be accompanied / represented if they so wish. (New wording as of 14/10/21)
- 2.6. Where time limits are referred to in the course of this procedure they may, where reasonable, be varied by necessity or agreement between the employee and the College.
- 2.7. All employees will be treated in accordance with the College's policy on Equality and Diversity.
- 2.8. The Director of Human Resources has overall responsibility for ensuring the consistent application of this policy.
- 2.9. Audio and/or video recording of meetings is strictly prohibited unless with the express and written consent of all parties present.
- 2.10. Where a conflict of interest arises, it will be the responsibility of any manager or staff representative involved in hearing, investigating or advising on the grievance to declare it. Where a conflict of interest is declared, wherever possible, that person should have no further involvement in the case, and an alternative person will be found.

3. Scope

- 3.1. This policy applies to all permanent employees with the exception of the Vice-Chancellor for whom a separate procedure applies.
- 3.2. Only employees will have rights of complaint using the staff grievance procedure. For those who are not employees, they may lodge complaints via the external complaints process. It follows from this, for the avoidance of doubt, that students may not access the staff grievance procedure. .
- 3.3. If an employee raises a grievance prior to leaving employment, an investigation, which may be a paper based review, will be conducted to the end of the stage started prior to the employee leaving the College and a written response will be provided to the complainant. Once an employee has left the College's employment, other appropriate modifications to the process set out below may be required as appropriate.
- 3.4. In circumstances where a grievance applies to more than one employee and where one of the recognised trade unions represents at least one of those employees, it may be appropriate for the matter to be dealt with through a

collective grievance raised by the union (with the consent of the staff) using this procedure.

4. Informal stage

- 4.1.** When an employee has 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. Employees 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.
- 4.2.** Where possible, the employee should discuss the matter directly with the person causing their concern, with a view to resolving the matter constructively.
- 4.3.** Alternatively, or in addition, the employee can speak to their line manager or HR, who will assist in determining the most appropriate way to address the issue. HR may be able to facilitate a discussion between parties.

5. Formal stage - Step One: Written Statement of Grievance

- 5.1.** If the matter is not resolved at the informal stage or if the employee considers the matter to be sufficiently serious, the employee may submit a formal grievance to the appropriate senior manager using the grievance form (Appendix 1).
- 5.2.** This written statement should clearly set out the matter of concern, focusing on the facts of the case, with references (where possible) to dates, times and places and the desired outcome or remedy sought. The statement should also outline what attempts have been taken to resolve the issue and why they have proved unsuccessful. If relevant, the names of any witness(es) to incident(s) should also be included. Any documents or letters that are relevant to the complaint, should also be provided.
- 5.3.** The senior manager will provide written acknowledgement of the receipt of the formal grievance within five working days and will later confirm the appropriate manager who will hear the grievance..

6. Formal Stage - Step two: Grievance Meeting

- 6.1.** The employee will be invited to attend a meeting to discuss the complaint in more detail. The employee may be accompanied by a colleague or trade union representative. A member of HR will also be present. The meeting will

be held without undue delay and the employee (and their representative) should make every effort to attend.

- 6.2. Where the circumstances of the complaint warrant a fuller investigation, the meeting will be adjourned. An investigation will be conducted and concluded as soon as reasonably practicable. Following the investigation, a further meeting will be arranged to discuss the outcome of the investigation and if possible to find ways in which the grievance(s) may be resolved.
- 6.3. After the meeting, the manager hearing the grievance will advise the employee (and any other relevant parties) in writing as to the decision that has been made. The employee will be reminded of their right of appeal if they are not satisfied with the response.

7. Formal Stage - Step three: Appeal

7.1 Arrangements for appeals are set out in the College's appeal policy / procedure which is at Appendix 2 of this document.

8. Investigation

- 8.1. Normally the manager hearing the grievance will carry out any investigation that is necessary under the formal stage of the process (section 6.2). 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. The investigating officer will adopt a neutral approach and maintain impartiality throughout the investigation. If an investigation is considered to be necessary, the College should arrange for this to take place as soon as is reasonably practicable.
- 8.2. Witness statements and supporting documentation may be sought as part of the investigation process.
- 8.3. The meeting referred to at section 6 above with the employee raising the grievance, may form part of the investigation process. Alternatively, a separate investigation meeting may be arranged as required.
- 8.4. 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 a written report. Subject to GDPR confidentiality / redactions, the parties to the grievance will also receive a copy of the report.

9. The right to be accompanied

- 9.1. Employees attending any formal grievance/appeal meetings have a right to be accompanied by a companion. The representative must be either:
 - a colleague who works for the College; or

- a trade union representative (local or full-time)
- 9.2.** The College reserves the right to refuse to accept as a representative anyone who may reasonably be perceived to have a conflict of interest in the proceedings.
- 9.3.** The College's representative (the chair) will be permit the employee's companion to address the hearing to do any or all of the following:
 - present and sum up the employee's case/submission;
 - respond on behalf of the employee to any views expressed at the meeting;
 - confer with the employee during the meeting.
- 9.4.** The representative will not be permitted to:
 - answer questions on behalf of the employee;
 - address the hearing if the employee indicates they do not wish the companion to do so;
 - prevent the employee from explaining their case or prevent any other person at the hearing from making their contribution at the hearing..

10. Related Policies and Procedures

- 10.1.** This policy also covers the investigation of formal complaints of unacceptable behaviour such as bullying, harassment or victimisation as outlined in the College's Dignity at Work Policy.
- 10.2.** If the complaint amounts to an allegation of misconduct on the part of another staff member, it may be investigated and dealt with under the Disciplinary procedure and the complainant will be informed of the outcome to the extent appropriate being mindful of an individual's right to privacy and the General Data Protection Regulations.
- 10.3.** If the complaint is in relation to any formal action taken against an employee under another procedure (e.g. disciplinary, capability, redundancy) this should be dealt with as an appeal under the relevant procedure and will not form part of the grievance process.
- 10.4.** Where an employee raises a grievance during a disciplinary process the disciplinary process may be temporarily suspended in order to deal with the grievance. Where the grievance and disciplinary cases are related, it may be appropriate to deal with both issues concurrently.
- 10.5.** Concerns and complaints from students are dealt with under the Student Complaint Procedure and should be directed to the College's Registrar, in accordance with that procedure. Where such a complaint alleges the misconduct of a College employee, the Registrar will liaise with Human

Resources to determine whether a disciplinary investigation is appropriate in the circumstances.

- 10.6.** Mediation is an informal, confidential process whereby parties that are in dispute have the opportunity to have an open and honest discussion about their situation. The process is facilitated by an independent third party or mediator who remains impartial while supporting the parties equally to find their own solutions to the issues. The ACAS guide to mediation is available here: <https://www.acas.org.uk/mediation>. Mediation is available throughout the grievance process.
- 10.7.** This policy and procedure is intended to create a means for employees 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 has evidence that an employee has lodged a vexatious or malicious complaint, it reserves the right to invoke the disciplinary procedure.

11. Confidentiality

- 11.1.** All those involved in the grievance process are bound by confidentiality and must not discuss the case with anyone other than the person investigating the allegations or their representative. Failure to abide by this requirement could result in disciplinary action against the employee concerned.

12. Review

This policy will be reviewed after 12 months of operation.

Human Resources

1 November 2021

ROYAL COLLEGE OF ART

GRIEVANCE FORM - IN STRICT CONFIDENCE

First name	Surname / family name

Department	School / Division

Name of your immediate line manager	
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Your Contact details	
email (work)	
Phone number	
Mobile	
Address for correspondence	

Contact details of your work colleague / representative	
email (work)	
Phone number	
Mobile	
Address for correspondence	

In this section, please set out / summarise the main details / elements of your grievance. Please do not add additional papers at this stage. Please also include:

- i) details of what efforts have been made to resolve your grievance(s) to date;
- ii) what specific outcomes you are seeking.

Are you willing to consider mediation? YES / NO
(If no please provide brief reasons)

Please set out in this section what new / additional steps you think could be taken to resolve your grievances.

Signed (employee)..... Date.....

Appendix 2

Please see appeals procedure on HR web site pages

Document History

Policy

Version	Date	Summary of Changes
1.0	24/07/19 and 22/01/20	Drafts circulated to Trade Unions
2.0	4 February 2020	(JCM)
3.0	21 April 2021	JNCC SG
4.0	23 July 2021	Circulated to TUs for consultation
5.0	16 August 2021	Circulated to TUs for consultation
6.0	06 October 2021	Circulated to TUs for consultation
7.0	14 October 2021	Circulated to TUs for consultation

Approval

Version	Management Group/Committee	Date
7.0 (final)	Planning and Resources Committee	27/10/21
7.0 (final)	Chair of Council	29/10/21
7.0 (final)	Full Council	25/11/21