



Royal Conservatoire *of* Scotland

Grievance Resolution Policy and Procedure

Written/Revised: 9/2018

Author: HR

Date of Review: 10/2019

GRIEVANCE RESOLUTION POLICY AND PROCEDURE

1. Introduction

The Royal Conservatoire of Scotland hopes that the great majority of issues and problems will be settled quickly through constructive informal discussion. However, we recognise the need for a formal procedure designed to meet those circumstances where issues cannot be resolved by these means.

2. Purpose

Working in an organisation, you may, at some time, have problems or concerns about your work, working conditions or relationships with colleagues and you may wish to raise a grievance. You want the grievance to be addressed, and if possible, resolved. It is also clearly in the Conservatoire's interests to resolve problems before they develop into major difficulties for all concerned. This policy and procedure provides a mechanism through which such concerns or problems can be dealt with.

Issues which may cause grievances include:

- Terms and conditions of employment
- Health and safety
- Work relationships
- New working practices
- Working environment
- Organisational change

3. Scope

Grievances may occur at any level and the Conservatoire's Grievance Resolution Procedure applies to all staff. The aim of this policy is to ensure consistent and fair treatment for all Conservatoire staff.

You might raise issues about matters not entirely within the control of the Conservatoire, such as client or customer relationships. These will be treated in the same way as grievances within the Conservatoire, and will be investigated as far as possible, with action taken if appropriate. The Conservatoire makes it very clear to all third parties that grievances are taken seriously and that action will be taken to protect its staff.

4. Principles

The Conservatoire will deal with grievances without any undue delay and as soon as is reasonably practicable, in accordance with the individual circumstances of each case.

So far as is reasonable, confidentiality will be maintained. However staff should be aware that it might be necessary to disclose certain information so that the Conservatoire can fully investigate the circumstances of a grievance. The Conservatoire cannot be bound by a request to take no action where it is advised of wrongdoing that it considers appropriate to take action in relation to. In such circumstances, staff will be advised if this is the case.

You have the right to appeal against the outcome of a grievance.

5. The Procedure

Raising a grievance

Mediation

In many cases, mediation may be a useful first step. It is a confidential and informal process and does not form part of the informal or formal Grievance Resolution process.

Mediation is defined as by ACAS as “ A process with a neutral person, the mediator, works with people who have a disagreement to help them find their own solution and reach an agreement that will sort out the problem or improve the situation . The mediator won't take sides and judge who is right and wrong and the mediator can recommend a way forward if both sides want and are unable to find it on their own.

The use of mediation can benefit both parties by giving time and support for them to deal with these issues. It can encourage cooperation and give individuals an independent, confidential, service by a trained mediator, with the employer being seen to be investing the time and funding for the individuals to participate.

If you are interested in using mediation as a first informal and confidential step, then contact HR for further information. Please also refer to our RCS Guidance on Mediation.

If you do not wish to use mediation, then you may raise the matter informally.

The informal process.

In many circumstances, it may be possible to resolve a concern or issue informally. If it is possible that this is the case, you should speak to the individual with whom you have a concern (where appropriate) or one of the members of the HR team. Dependent on the nature of the concern, the HR team will be able to advise you regarding an appropriate informal approach.

If the informal approach is successful, no further action is necessary, although you may find it useful to make your line manager aware of the situation and that it has been resolved. In circumstances where your line manager was the cause of your concern, it is recommended that you make the HR department aware informally.

The formal process

Where you have attempted to raise the issue informally without success, or you feel the grievance is serious and therefore an informal approach is not appropriate, you should raise the matter formally and without unreasonable delay to the HR department. Depending on the nature of the grievance, an appropriate individual will be identified to investigate and hear the grievance. This could be the individual's line manager, or a suitable manager from another area of the Conservatoire.

It should be raised in writing (email or letter) and should set out the nature of the grievance. If you would like assistance expressing yourself because of language or other difficulties you may wish to seek help from a trade union representative or Staff Support Contacts (see appendix A for list of names and support contacts).

When detailing the nature of your grievance, you should give only the facts and avoid any language which may be considered insulting or abusive. Where the grievance is against your line manager should raise the issue with the HR department.

Once your grievance has been received, the HR department will acknowledge this and follow up with a letter inviting you to attend a grievance meeting. The letter will detail the date, time and place of the meeting and the name of the manager who will hear your grievance. It is usual for the manager hearing the grievance to be accompanied by a member of the HR team, who will be there to provide procedural support to you and to the manager in relation to the grievance process. A member of the HR team will attend to take notes of the meeting. The letter will explain your right to be accompanied at the meeting by either a trade union representative or work colleague, and will also provide you with copies of the appropriate policy (the Grievance Policy, and any additional policies, such as the Dignity at Work and Study Policy, Family Friendly Policy etc dependent on the nature of the grievance), and offer you the opportunity to advise of possible witnesses and/or submit additional information, detailing how this should be done.

Use of Witnesses

You should consider whether you feel there are witnesses who could support your case from their personal experience or make a statement about events they were involved in or witnessed firsthand. In some cases it may be sufficient to submit a signed witness statement from the person.

Should you wish to use a witness as part of the process, you should notify the HR Department at the earliest possible opportunity, at least 2 working days before a grievance meeting has been scheduled to take place. You should provide details of the purpose of the witness (e.g. to make a statement about a particular event). The HR department will make contact with any potential witnesses and they will be required to complete a confidentiality agreement. They may attend a meeting with the manager hearing the grievance or may be asked to submit a response in writing.

It should be noted that a witness must be willing to participate in the process, there is no obligation for an individual to be involved in a process as a witness on your behalf without their consent.

Confidentiality

All grievance processes are strictly confidential, and the details of the grievance should only be discussed with those involved in the process. You will be able to discuss your grievance with your companion / representative, and with the manager hearing your grievance. In addition, you may speak to any member of the HR department about the process. However there should not be any discussion regarding the grievance with anyone who is not directly related to the grievance.

It may be necessary to discuss an event with an individual in circumstances where you wish to ask them to provide a witness statement or attend as a witness. In these circumstances, it is your responsibility to ensure the individual you have approached understands that they too are required to adhere to the confidentiality required of the process. Once a witness has confirmed their willingness to participate, a member of the HR team will ask the individual to sign a confidentiality agreement, to ensure they are clear of their responsibilities.

It may be necessary as part of further investigation for the manager hearing the grievance to meet with other staff members. In these circumstances, the members of staff will be asked to sign a confidentiality agreement in advance of any information being given about the nature of the grievance or the individuals involved in the process.

All staff members involved in a grievance process are bound by the confidential nature of the process, and failure to adhere to this may result in disciplinary action. If you are unsure whether you can speak to an individual about your grievance, you should seek advice from the member of the HR team providing support to your grievance.

The individual under investigation may be suspended by the Conservatoire as a precautionary measure pending an investigation and/or the conclusion of a subsequent disciplinary procedure.

The Grievance Meeting

At the meeting, the manager hearing your grievance will commence the meeting by making introductions where necessary, and explaining the purpose of the meeting and how it will be conducted. The manager will explain what will happen after the meeting, and will ask you (and your companion) if you are clear about the process and the way the meeting will be conducted.

The manager will then ask you to go through the detail of your grievance, and will ask questions to gain clarification and further information as necessary. It is recognised that such meetings can be emotional for individuals, and if you feel at any point in the meeting that you would like to have a break, you should let the manager know and the meeting will adjourn for a period.

Once the manager feels that they have gathered as much information as possible at this stage, the meeting will close. You will be sent copies of the notes of the meeting, and you will be informed by the HR department after the meeting whether the manager requires to undertake further investigation before arriving at a decision, or whether sufficient information has been given for a decision to be made. If no further investigation is required, the process will move straight to the grievance hearing.

Further Investigation

If further investigation is required, the HR department will provide you with a timescale for how long the further investigation will take. It is not unusual for further investigation to be necessary, particularly where concerns raised relate to other members of staff. Where appropriate, further investigation will be undertaken via a meeting which the HR department will attend with the manager hearing your grievance, and notes will be taken at such meetings. Alternative mechanisms for collating additional information such as telephone and written/email correspondence will also be considered depending on the nature of the information required and the availability of the individuals to be contacted.

Where witness statements have been submitted as part of the grievance process, it may be necessary for the manager hearing the grievance to meet with the witness, to ask questions regarding the statement and gain clarification. . As detailed above, the method in which this information will be gathered will be determined by the nature of the information required and the availability of the individual(s) to ensure this is conducted in a timely manner.

In normal circumstances, further investigation should take no longer than 5 working days and as noted above, to expedite this process, email, telephone or written correspondence will be considered where face to face meetings cannot be scheduled within an appropriate timeframe.

Once the further investigation is complete, you will receive a summary of the information provided as part of the investigation of any, and you will be given the opportunity to comment on this at the grievance hearing.

Grievance Hearing

Once the investigation is complete and you have received all the documentation in relation to the investigation, you will be invited to a grievance hearing. This will provide you with the opportunity to submit any additional information you feel is relevant to your grievance, and to respond to any information you have received in relation to the investigation. The grievance hearing will also provide the manager with the opportunity to ask you any questions regarding the investigation, prior to making a decision. Once the manager feels they have gathered sufficient information, the meeting will close.

The manager will consider all the information that has been provided, and will make a decision as to whether your grievance is upheld, or not upheld. The manager will also consider whether it is appropriate or necessary to make recommendations, such as actions that need to be taken or changes to systems and processes.

The Outcome

The manager will consider the information and prepare a letter detailing the outcome of the grievance which you will receive either during a follow up meeting or in writing, whichever mechanism ensures you receive the letter as promptly as possible. You will also be informed of the appeal process, and whom any appeal should be addressed to.

Standard timescales

In normal circumstances, we would expect that meetings would be scheduled at 7-10 day intervals allowing for sufficient notice to be provided to those attending meetings i.e.:

- Grievance is submitted – within 7 days manager identified, meeting date proposed and invite to grievance meeting letter sent to staff member raising the grievance.
- Further investigation is required – requests for witness statements or additional meetings set up and conducted within 7-10 days.
- Grievance hearing – meeting date within 7-10 days of conclusion of further investigation and/or following the grievance meeting where no further information is required.

The HR department will endeavor to support managers and staff to remain within the suggested timeframes noted above. To expedite a process if delays are likely we will work with staff and managers to consider where the use of email, telephone or written correspondence can be considered in place of face to face meetings when availability means they cannot be scheduled within an appropriate timeframe.

If at any stage there is an unexpected or unavoidable delay and no other mechanisms are deemed suitable, all parties will be made aware of the

timescale suggested and the reasons why stages of the process cannot be conducted any sooner.

6. Appealing the outcome

Lodging an appeal

If you wish to appeal against a grievance decision, you must do so within seven days of the outcome meeting. You should submit your appeal in writing to the HR Department who then take this forward with the appropriate manager as detailed in the letter you receive confirming the outcome of your grievance. Appeals should be submitted in writing to the HR Department or if submitted via email, to humanresources@rcs.ac.uk and marked clearly as Confidential – Appeal Documentation.

Your appeal should specifically detail the grounds for your appeal, which may include new information. You must provide detailed information within the appeal letter as this will form the basis of the appeal meeting. The appeal will usually be heard by a senior manager or Director and will take place as soon as reasonably possible. The HR Department will contact upon receipt of your appeal letter to offer a date for the appeal meeting or to agree an appropriate timescale for hearing the appeal depending on your availability and that of the manager hearing the appeal.

The appeal process will have the same format as the grievance process. The HR department will write to you on behalf of the individual hearing your appeal, inviting you to attend an appeal hearing. The letter will explain your right to be accompanied at the meeting by either a trade union representative or work colleague, and will also provide you with copies of the appropriate policy.

Appeals will be heard in person however if there is a significant delay due to availability of you or you companion a decision may be made on the basis of the information available including the original investigation and the contents of the appeal letter. If this were to be the case it would be discussed with all parties prior to the decision not to meet being taken.

Appeal Hearing

The meeting will be attended by the senior manager/Director hearing your appeal and a member of the HR department, who will take notes of the meeting. The meeting will commence with an explanation of how the meeting will be conducted, an overview of the grievance that was raised, the outcome of the grievance, and your grounds for appeal. This is to ensure that nothing has been misinterpreted and that the purpose of the meeting is clear. You will then be given the opportunity to explain your grounds for appeal in full, and to submit any additional information you feel is appropriate and relevant. The individual hearing your appeal will ask questions to gain further clarification as necessary. Once the individual is satisfied that they have sufficient information, the meeting will close. At this point it may be necessary for the individual to meet the manager who heard your original grievance to ask questions in relation to the grievance and the outcome. If this is necessary,

you will be made aware of this, and will be given the notes of any such meeting for consideration and response.

Appeal Outcome

Once this has taken place, the individual hearing your appeal will consider all the information and will decide whether your appeal is upheld or not upheld. The manager will advise the HR department of their decision and a letter will be prepared detailing the outcome of the grievance which you will receive either during a follow up meeting or in writing, whichever mechanism ensures you receive the letter as promptly as possible. Once you have received the written confirmation of the outcome, the process will be complete. There will be no further right of appeal.

7. Withdrawing a grievance or an appeal

At any point in the grievance process, you may decide that you wish to withdraw a grievance or an appeal. This can be for a variety of reasons, such as the issue that had been raised has been dealt with or no longer applies, although the process might still be ongoing, or you may decide that you wish to deal with the issue arising in another manner. If this is the case, you should formally notify the HR department in writing (email is acceptable). Once this has been received, you will receive confirmation that your grievance or appeal has been withdrawn, and where appropriate or necessary, other parties will also be informed.

8. Information for individuals against whom a grievance is raised

If you are asked to respond to a grievance raised against you by another member of staff you will be required to attend an investigatory meeting. You will receive an invitation to the meeting outlining the nature of the grievance against you and advising you of the process for the grievance investigation. You will have the right to be accompanied at the meeting. A member of the HR team will take notes and these will be made available to you after the meeting for review. A summary of your responses will be supplied to the individual raising the grievance.

Once the process is concluded as per the steps above you will receive notification of the outcome of the grievance. This will normally be by letter and it will outline whether their grievance was upheld or not and what the recommended next steps are. If the outcome were to result in a recommendation that disciplinary action be considered, you would be advised of this by your line manager or the HR Department as appropriate.

If a grievance is not upheld you will be advised of this at the time of the outcome being determined but the case will not be considered closed until such time as the appeal deadline has passed with no appeal submission. You would receive a secondary communication from HR advising of this either way, approximately 7 days after receipt of the initial outcome.

9. Working whilst a grievance process is ongoing

It is recognised that raising a grievance can be challenging and may affect the way that you feel whilst the process is ongoing. The Conservatoire will ensure that you do not receive any detrimental treatment as a result of raising a grievance.

During and after the grievance process, it is expected that you, and those involved in the grievance, will continue to work and behave in a reasonable manner, and that the presence of a grievance should not alter your normal working arrangement and behavior.

If the circumstances or nature of the grievance require that a temporary change in working arrangements be applied whilst the grievance process is ongoing, this will be confirmed to you in writing by the manager hearing your grievance, in consultation with the HR Department.

9. Review

This policy may be subject to change as necessary.

The Director of Human Resources will review the procedure and make recommendations on any future developments to this procedure.

10. Document Control Information Overview

Author of Policy:	HR
Accountability:	Director of HR
Department:	Human Resources
Review requirements:	Annually or as required
Committee Requirements:	Major changes to be approved by Consultative Forum, operational changes to be approved by Director of HR and noted by Consultative Forum.
Current Version:	3
Approval Confirmed (date):	tbc
Approval Confirmed:	Jackie Russell

11. Document Revision History

Version No.	Version Date	Prepared By	Approved By	Summary
2	20/09/2018	Kate Bowie	Consultative Forum	Updates to timescales, use of witness statements and methods of communication throughout the process.
3	20.8.19	Jackie Russell	Consultative Forum	Policy change- addition of use of mediation as a first step. Addition of Guidance on Mediation
3	20.8.19	Jackie Russell	Consultative Forum	Operational change- addition of potential suspension to reflect the current decision making process prior to an investigation (page 6)

Appendix A

Details of Useful Contacts

Useful Contact Details

Staff Support Contacts:

- Jane Beattie (Whittaker Library), ext: 331
- Suzanne Daly (AAS), ext: 206
- Ros Maddison (Production), ext: 326
- Martin Mallorie (Design and Props) ext: 256

Other useful contacts:

- Roz Caplan (Conservatoire Equality and Diversity Officer), ext: 397
- Linsey Miller (Assistant HR Advisor), ext: 389
- Sidrah Siraj (Assistant HR Advisor), ext: 389
- Gillian McLean (Assistant HR Advisor), ext: 389
- Kate Bowie (HR Advisor), ext: 236
- Lydia Demaison (Deputy Director of HR), ext: 228
- Jackie Russell (Director of HR), ext: 338