

Policy name: Grievance and Mediation Policy

Approved: 25th November 2016

Revision 1 approved 10th March 2017

Revision 2 approved

Revision 3 approved by Trinity Academic Council 13th May 2020

1. Context

- 1.1 It is the policy of the Royal Irish Academy of Music, hereinafter referred to as RIAM or the Academy, 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.
- 1.2 RIAM believes that the majority of employee grievances can be handled informally through the line manager,. However, it is in both parties' (employee and employer) interests to have a clear procedure for the resolution of all issues arising between them. It is accepted that grievances may occur in the normal course of interaction in any organisation and that failure to provide a procedure to deal adequately with these grievances, in a timely manner, may lead to disputes affecting not only the aggravated party but potentially all those employed within the organisation. Full recognition is given to the significance of personal grievances and both employees and employer are determined that all grievances will be dealt with without undue delay and at the earliest possible stage of this procedure. 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.

2. Purpose

- 2.1 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 RIAM (but see 2.2 below).
- 2.2 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), allegations of bullying and/or harassment/sexual harassment should be addressed under the Dignity and Respect at work policy, and students who wish to bring a grievance to the attention of RIAM must follow the Student Complaints Policy. A grievance cannot be raised on the outcome of an appeal decision.

3. Scope

- 3.1 This policy applies to all categories of RIAM employees who are employed under a permanent or fixed term contract.
- 3.2 It may be used for the resolution of a group or collective grievance where the relevant staff have a shared reporting line.

4. Benefits

- 4.1 This policy ensures that fair and effective procedures are in place when a grievance or incident requiring mediation occurs in RIAM.

5. Principles

- 5.1 In applying this policy the Academy will not discriminate on any unlawful grounds including, but not limited to, age, disability, gender-reassignment, marriage and civil partnership, pregnancy and maternity, race, religion and belief, sex, and sexual orientation.
- 5.2 The Academy 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. Mediation may only proceed with the agreement of all the parties involved in the grievance.
- 5.3 Persons may be authorised by the RIAM Director to investigate and hear formal grievances, or hear appeals, based on the following principles:
- (i) A sufficiently senior line manager can deal with a grievance, or can nominate a deputy as the manager authorised so to deal.
 - (ii) Persons authorised to take action at each stage, including the appeal stage, must have no previous significant involvement in the case.
 - (iii) A member of HR will be consulted and will advise on the appropriate authorised person at each stage.
 - (iv) 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.

6. Policy

6.1 Informal procedure

- 6.1.1 If an employee wishes to raise a grievance in the context of 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. Often issues can be resolved at this point through discussion and clarification, and informal resolution of grievances should be the priority wherever possible.
- 6.1.2 The Line Manager will respond to this approach and as soon as is practicable (normally within five working days) 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.
- 6.1.3 If discussing the issue informally does not result in an acceptable outcome, the employee should invoke the formal procedure as outlined at 6.4 below.

6.2 Mediation

6.2.1 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.

6.3 Right to be accompanied

6.3.1 Employees have the right to be accompanied by a companion for all formal grievance meetings, who can be either:

- (i) a trade union representative of their choice; or
- (ii) a fellow employee of their choice.

As a matter of good practice, in making their choice employees should bear in mind the practicalities of the arrangements. An employee should inform Human Resources (HR) in advance of any meeting the name of their companion and whether they are a fellow worker or a trade union representative.

6.3.2 The companion may address the hearing, put forward and sum up the case, ask questions, respond on the employee's behalf to any view expressed and confer with the employee during the hearing, unless the employee has indicated that he/she does not want their companion to do so. The companion does not, however, have the right to answer questions on the employee's behalf.

6.3.3 All such arrangements must be made by the employee. There is no obligation on any person, whether he/she is or is not a trade union official, to accompany another employee.

6.3.4 Approval to release a work colleague should be obtained from the line manager so that appropriate cover can be obtained.

6.3.5 Within this procedure there is no provision for representation or accompaniment at a grievance hearing by any person external to the organisation, unless they are a Trade Union Representative.

6.4 Formal procedure

[Note: During the period in which the procedure below is being followed, normal working – under protest, if necessary – should normally continue.]

6.4.1 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 the RIAM Secretary who will liaise with the Faculty/Department as necessary and make the arrangements for an authorised person (see 5.3) to investigate and hear the grievance as soon as possible. The statement should state clearly the basis of the complaint and, if appropriate, the name of the person(s)

against whom the grievance is raised. Strict confidentiality and proper discretion will be maintained, as far as is possible and reasonable within the scope of any investigation, throughout all stages of the process.

6.4.2 Grievance Hearing

- (i) *Notification:* Upon receipt of a formal grievance, the employee will be invited to a meeting with an appropriate authorised person 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, and they will be given every opportunity to rebut the allegations made against them. If the nature of the grievance involves any other employee(s) and they have been called to attend the meeting to discuss the issue, the same right to representation will apply. 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 five working days of receipt of the grievance letter. The employee must take all reasonable steps to attend this meeting.
- (ii) *Postponement:* Where an employee's representative cannot attend on a proposed date, the employee may suggest another date so long as it is reasonable and is not more than five working days after the date originally proposed by the Academy. However, the five day time limit may be extended by mutual agreement.
- (iii) *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 to allow this to take place.
- (iv) *Decision:* The employee will normally be notified in writing of the decision within five working days. 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 may 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 authorised person 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.
- (v) *Subsequent actions:* As set out in 6.2.1, mediation may be considered at any stage, including after conclusion of any formal grievance process, if the parties agree. The notification at (iv) above will advise the employee of their right to appeal.

6.5 Right of appeal

6.5.1 Application

An employee wishing to appeal against a decision taken about a grievance must submit their appeal to HR, in writing, within five 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:

- (i) a failure to follow procedure had a material effect on the outcome, or the process was flawed in some significant way;
- (ii) the decision was inappropriate given the evidence presented;
- (iii) new evidence has come to light since the original hearing.

6.5.2 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 5.3). Records and notes of the original grievance meeting will be made available to the managers hearing the appeal. The authorised person 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.

6.5.3 Decision

The appeal decision and the reasons for it will be confirmed in writing to the employee within five working days. The notification will identify that the decision is the final stage of the Academy'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.

6.6 Grievance records

Records taken and produced during the process will be held confidentially within the HR Department in accordance with current Data Protection requirements. Copies of formal minutes of any meetings should be given to the employee. However, in certain circumstances (for example to protect a witness) the Academy may withhold some information.

7. Responsibility

7.1 The RIAM Secretary is responsible for overseeing this policy and its operational procedures.

8. Legislation and Regulation

8.1 [Unfair Dismissals Acts 1977 to 2015](#).

8.2 [Payment of Wages Act 1991](#).

8.3 [Industrial Relations Act 1946](#) to [Industrial Relations Act 1990](#).

8.4 [Code of Practice on Grievance and Disciplinary Procedures under the Industrial Relations Act 1990.](#)

8.5 [Code of Practice on Dispute Procedures, including procedures in essential services.](#)

9. Related Documents

- 9.1 Code of Business Conduct for Employees.
- 9.2 Dignity and Respect Policy.
- 9.3 Staff Capability Policy.
- 9.4 Staff Disciplinary Policy.
- 9.5 Complaints Policy.
- 9.6 Records Management and Retention Policy.
- 9.7 Data Protection Policy.

10. Document Control

Approved by Board of Studies 25th November 2016.

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