



RCSI

RCSI Grievance Procedure

Purpose

The purpose of this policy is to provide a transparent and consistent procedure for the resolution of the grievances of staff and to promote a work culture and environment conducive to the achievements of RCSI's goals and objectives. Full recognition is given to the significance of personal grievances and it is the RCSI policy that all grievances will be dealt with without undue delay and resolved at the earliest possible stage in a fair and objective manner. The procedure for dealing with grievances is set out below.

Scope

This policy applies to all contracted members of RCSI staff in Ireland.

Procedure

The Grievance Procedure has a number of stages but they are not designed to replace normal dialogue between you and your Head of Department/nominee, but are to be used in situations where either dialogue has failed to resolve the issue or you consider that a more formal approach is appropriate. You are entitled to be represented at all stages of the procedure by your Trade Union representative or a work colleague of your choice, provided that the proposed Trade Union representative or work colleague is not a party to the issue under examination. No one unconnected to RCSI may represent you.

- **Initial Informal Approach**

As a first step, employees should attempt to address a grievance as informally as possible by means of this initial informal procedure, where appropriate.

This response is suitable for non-serious complaints, such as in scenarios where it is likely the respondent is not even aware of that their behaviour is negatively impacting others. It is a very informal mechanism that is designed to be flexible in order to

allow for minor complaints to be quickly dealt with. The approach may include:

- a) The complainant who believes that they are being subjected to unwanted treatment should explain that they believe it to be unacceptable and request it stop.
- b) If it is more suitable, the complainant should put their concerns in writing.
- c) In circumstances where the complainant finds it difficult to approach the respondent(s) directly, they should seek assistance from their HR Partner or a manager, where appropriate.
- d) A brief written record, in line with GDPR, should be kept of the matter and agreed outcomes and dates noted by the relevant person responsible for managing the complaint.

Secondary Informal Procedure (including Mediation)

This process may be invoked if the above process is unsuccessful or unsuitable for the seriousness of the issue.

A Nominated Person / HR Partner with the appropriate training will be assigned to handle the complaint.

- a) The employee should submit their complaint in writing.
- b) The Nominated Person / HR Partner will then attempt to establish the facts and context of the complaint before deciding on the next actions to be taken. (It should be noted that if no concrete examples of inappropriate behaviour are given by the complainant, it may not be possible to progress the matter further.)
- c) If, however, after the Nominated Person / HR Partner has established the facts, they believe the respondent has a case to answer, they will put the allegations to him/her and allow them the chance to respond. The Nominated Person / HR Partner should organise a meeting with the respondent to record his/her response. It is important to note that a mediation process is contingent on both parties to agree to participate.
- d) Thereafter a method should be agreed to progress the issue to resolution so that both parties can return to a harmonious working environment whilst the process continues.
- e) If it is found that there has been inappropriate behaviour from the respondent, steps should be put in place to stop the behaviour and to monitor it going forward to prevent a reoccurrence. This should include the drawing up of a plan with agreed actions which is to be signed by both parties at the final meeting.
- f) The Nominated Person handling the case should keep a nominal record of all stages and ensure these are kept in line with GDPR.

A complainant may choose to bypass both the initial and secondary informal procedures. Choosing not to use the informal procedures should not reflect negativity on a complainant in the formal procedure. However, on an initial

examination under the Formal Procedure, management may direct that an attempt may be made to resolve the matter under either the Initial or Secondary Informal Procedure.

What do you do if the initial and/or secondary informal approach is not appropriate or doesn't resolve the issue?

You may decide, for whatever reason, to bypass the initial and/or secondary informal procedure. Choosing not to use the initial and/or secondary informal procedure will not reflect negatively on you in the formal procedure.

Formal Approach

If the initial and/or secondary informal approach doesn't work or you choose not to utilise the initial and/or secondary informal approach, you can choose to raise your complaint through RCSI's formal approach. This would involve you making a formal complaint in writing and having the complaint formally investigated.

Due to the sensitive and confidential aspects of such cases, the procedures have been designed to safeguard the rights, both of the complainant and the person whom the allegation is made against. All complaints will be dealt with promptly and treated with the utmost discretion.

If you wish to make a formal complaint you must do so in writing (this can be either in email or letter form). Written complaints should contain details of the person or persons against whom the complaint is being made and where possible and details of the complaint. Complaints should be made as soon as is practically possible.

The written complaint should be forwarded to the Director of Human Resources (barryholmes@rcsi.ie), or one of the HR partners as appropriate, clearly marked private and confidential. You can find details of all the HR team [here](#).

It will be important for you to record:

- The name of the person(s) who the complaint is being made against.
- Details of the type of behaviour that is causing offence, including what, when and where the incident took place.
- Any witness statements or names of witnesses or persons in the immediate area, who may or may not have witnessed the event but will be able to corroborate that the persons involved were at the location at the time stated.
- Details of any previous complaint made about the behaviour, including date, where and who was involved.
- Any action that you have taken to try and resolve the matter.

Please note that the person who the allegation is made against will receive a written copy of your complaint and advised that they will be afforded a fair opportunity to respond to the allegation(s). You will be provided with any response.

You will receive a response of acknowledgement within 5 working days and all formal complaints will be referred directly to an investigator appointed by the Director

of Human Resources or nominee.

Initial Examination

The complaint will be subject to an initial examination by the Director of Human Resources, who can be considered impartial, with a view to determining an appropriate course of action. An appropriate course of action at this stage, for example, could be exploring a mediated solution or seeking to resolve the issue informally. Should either of these approaches be deemed inappropriate or inconclusive, a formal investigation of the complaint will take place with a view to determining the facts and the credibility or otherwise of the allegation(s) and, in appropriate cases, the referral of the matter for further consideration in the context of a disciplinary hearing.

Terms of Reference

The investigation should be governed by terms of reference, determined by an investigation panel.

Investigation

1. Both the complainant and respondent will be informed in writing of the following:
 - What the formal procedure entails.
 - That both parties have the right to be accompanied and/or supported, by a colleague or trade union representative, where appropriate.
 - That the complaint will be in writing and that the respondent will be given details in writing of the nature of the complaint including written statements and any other documentation or evidence including records of meetings held with the witnesses.
 - That the respondent will be given time to consider the documentation and an opportunity to respond to such documents.
 - That confidentiality will be maintained throughout any investigation to the greatest extent possible, consistent with the requirements of a fair investigation.
 - That a written record will be kept of all meetings and investigations.
 - That the investigation having considered all of the evidence before it and the representations made to it will produce a written report to both parties outlining its findings and the reasons for its final decision.
 - If the complaint is upheld against a respondent who is not an employee of the organisation, the report will recommend appropriate next steps which could include:
 - o Exclusion of the individual from premises;
 - o Suspension or termination of service;
 - o Suspension or termination of a supply service or other contract.
2. The investigation will be conducted at the discretion of the Director of Human Resources by either a designated member or members of the HR Team and/or Management or, if deemed appropriate, one or more third parties. The investigation will be conducted thoroughly, objectively, with sensitivity, utmost

confidentiality, and with due respect for the rights of both the complainant and the respondent(s).

3. The investigator(s) will meet with the complainant and respondent(s) and any witnesses or relevant persons on an individual confidential basis with a view to establishing the facts surrounding the allegations(s). Both the complainant and respondent(s) may be accompanied by work colleague or trade union representative, where appropriate.
4. Every effort will be made to carry out and complete the investigation as quickly as possible and preferably within an agreed timeframe. On completion of the investigation, the investigator(s) will submit a written report to the Director of Human Resources containing the findings of the investigation.
5. Both parties should be given the opportunity to comment on the findings before any action is decided upon by the Director of Human Resources.

The complainant and the respondent(s) will be informed in writing of the findings of the investigation.

Outcome

Should the investigation panel decide that the complaint is well founded; the matter may be referred to disciplinary hearing by the Director of Human Resources for further consideration. Alternatively, the investigator may find that other actions such as counselling, mediation or training would be appropriate. Should the investigator find that the complaint is not well founded they should communicate this outcome to the parties.

Any individual found to have made a false allegation or any individual who supports a false claim (e.g. witnesses) may be subject to disciplinary action up to and including dismissal.

The disciplinary action to be taken will be in line with the [RCSI's Disciplinary Policy](#). Should the allegation(s) be proven then the organisation will take appropriate disciplinary action. This can include a warning, transfer, demotion or other appropriate action up to and including dismissal.

Records of any warnings will remain in the employee's file and will be used in determining disciplinary action to be taken if any further offences of the same or similar nature occur in the future.

In instances where an investigation concludes that the allegation(s) did not take place, a note to that effect should be recorded.

Appeal

If either party is not satisfied with the outcome of an investigation they may appeal in writing to the Director of Human Resources stating the full grounds of appeal within 5 working days of the date on which the decision was sent or provided to them. The appeal will be dealt with impartially by a party who has not previously been involved in the case. Any appeal will focus on the conduct of the investigation in terms of fair process and adherence to procedure. It is not a re-hearing of the original issues.

Confidentiality

All reasonable steps will be taken to protect a member of staff, who files a complaint, or assists in an investigation from intimidation, victimisation or discrimination. Retaliating against someone who makes a complaint is a serious disciplinary offence.

Malicious Complaints

Malicious complaints will also be regarded seriously by RCSI and may result in disciplinary action up to and including dismissal may be imposed, after due process.

A malicious complaint can be described as an allegation being made without foundation, and with malicious intent, where a person knowingly or without regard to whether it is true or not, makes an allegation against another person. This could also apply to where one person maliciously complains of someone's actions against a third party, without fully exploring the veracity of the claim.

Getting Further Help

The Human Resources department is available to support any member of staff in understanding or implementing the content of this policy and procedure.

Policy Review

The Human Resources Department will ensure that this policy will be monitored and kept under review.