

# COLLEGE OF INTEGRATED CHINESE MEDICINE STAFF GRIEVANCE POLICY AND PROCEDURE

## Grievance policy and procedure

The Grievance Policy and Procedure applies to all staff of the College of Integrated Chinese Medicine including teachers, clinical supervisors, practical skills tutors, tutors and administration staff. They will be referred to as academic tutors and admin staff throughout this policy.

### 1 Purpose and scope of the procedure

1.1 The purpose of the grievance procedure is to ensure that, as far as possible, grievances are dealt with and resolved informally through discussion between the aggrieved tutor or admin staff and their line manager. Grievances are concerns, problems or complaints raised by an academic tutor or admin staff member and must be made in writing. However, before using the grievance procedure it is expected that an academic tutor or admin staff member will try to resolve their complaint informally if at all possible. The formal stage of the procedure should only be used when the informal stage has failed to resolve the issue or is not making progress at reasonable speed.

1.2 In appropriate cases CICM may offer facilities for mediation.

1.3 This procedure applies to all CICM tutors or admin staff.

1.4 This policy will be reviewed periodically in line with developments in good practice. The maximum period of time for a review will be five years.

### 2 Principles of the procedure

2.1 The procedure is based on the following principles:

- An academic tutor or admin staff member has the right to be accompanied by his/her trade union representative or work colleague at every stage of the formal procedure. The procedure is internal to CICM and apart from external trade union representatives, does not allow for any external representation
- Any grievance must be made in writing as soon as possible and in any case within one month of the act that is being complained about
- It is only possible to hear complaints that are within the power of the College to remedy
- All proceedings, whether informal or formal, should, so far as is practicable, remain confidential
- A formal record of a hearing will be available to the academic tutors or admin staff. The hearing will be recorded and a copy given to the academic tutor or admin staff member

- The timescales set out may be extended with the agreement of the parties where more than one academic tutor or admin staff member has lodged a complaint relating to the same, or substantially the same, issue, the complaints may be dealt with together in the interests of fair and consistent decision-making. In some circumstances it may be more appropriate for the complaint to be resolved through the collective agreement between the trade union and the College
- Where a grievance concerns an apparently trivial issue the line manager will discuss this informally with the member of staff to determine whether there is a real need to pursue the matter through the grievance procedure. If the member of staff and line manager are unable to agree, the line manager will decide, whether the matter is trivial. If the grievance is determined to be trivial, the academic tutor or admin staff member will be informed that the matter will not be dealt with through the grievance procedure the academic tutor or admin staff member will be entitled to resubmit the grievance together with any further evidence or explanation that throws new light on it, and demonstrates that a substantive complaint is in fact being made
- If the academic tutor or admin staff member's grievance restates a complaint that the College is already dealing with, or that it has dealt with in the past, the academic tutor or admin staff member will be asked to explain how the new grievance differs from the previous one, and either what new incident has occurred or what new evidence has come to light.
- Where it is clear that there is nothing new being raised, CICM can reject the grievance without a hearing
- Deliberately false or malicious grievances will be treated as matters of misconduct and will be investigated in line with the Staff Disciplinary Policy.
- Grievances raised while an academic tutor or admin staff member is subject to disciplinary proceedings will be heard when the disciplinary process has been completed. If the grievance has any bearing on the disciplinary proceedings, it can be raised in the course of those proceedings.

### **3 Informal stage**

3.1 If an academic tutor or admin staff member has a complaint that involves another academic tutor or admin staff member or members, they should first of all try to resolve the matter by direct approach to the academic tutor or admin staff member involved.

3.2 If the matter remains unresolved, the academic tutor or admin staff member may request a meeting with their own line manager who will try to resolve the issue. The meeting should be held within 10 working days of the submission of the request.

3.3 If, after any action to resolve the grievance taken by the line manager, the academic tutor or admin staff member is still dissatisfied, they may proceed to the formal stage of the procedure.

3.4 If the complaint is against the line manager or there is another reason why the academic tutor or admin staff member does not wish to raise it with their manager they should either request a meeting with a member of the College's Management Committee who will try to resolve the issue.

## 4 Formal stage

4.1 If the complaint has not been resolved at the informal stage and the academic tutor or admin staff member wishes to proceed to the formal stage, they may do so and the complaint will be heard by a panel. The academic tutor or admin staff member must set out in writing the nature of their complaint and the reasons why they are dissatisfied with the outcome of the informal stage. The academic tutor or admin staff member should explain how they think it should be settled. This must be submitted to the College Principal. Grievances raised against the College Principal should be submitted to the Academic Director.

4.2 Should the complaint relate to a process or decision, the Principal will appoint an appropriate investigating officer who will be asked to provide a full written report together with any relevant documents. The investigation should be conducted as quickly as possible while allowing for all relevant information and evidence to be gathered.

4.3 Should the complaint be against a named individual or individuals, the Principal will give them a copy of the complaint at the earliest opportunity. The individual will present their response at the hearing and it would not normally be necessary to conduct an investigation.

4.4 The panel will consist of a member of the Management Committee and another senior staff member. Grievances submitted by members of the Management Committee will be heard by the Principal and a member of the Council, and grievances raised the Principal will be heard by members of the Council. Where possible, there should be a gender balance on panels. CICM will make every attempt to ensure that the hearing will be held within 10 working days of receipt of the investigating officer's report, or within 10 working days of the complaint being received if it is against an individual. The academic tutor or admin staff member will be given five working days' notice that the hearing is to be held. The academic tutor or admin staff member may request an alternative date to allow up to an additional five working days if their representative is unavailable. If following a reasonable attempt to rearrange the hearing, the academic tutor or admin staff member is still unable to attend, they may send a representative, or the hearing may be held in their absence

4.5 The complainant should ensure that they attend the meeting at the specified time. If they are unable to attend because of circumstances beyond their control, they should inform their line manager and/or the chair of the panel if the grievance is against their line manager, as soon as possible. If they fail to attend without explanation, or it appears that they have not made sufficient attempts to attend, the hearing may take place in their absence

4.6 Any relevant written information or evidence must be made available to all parties at the earliest opportunity and, in any case, two working days before the hearing.

4.7 All parties involved will be allowed to attend and make representations at the meeting. Witnesses may be called.

4.8 Refusal of either party to attend shall not invalidate the proceedings.

4.9 The panel, in seeking to resolve the complaint, may adjourn the meeting or defer a decision if more information is required.

4.10 The decision of the panel, reasons for that decision and any redress will be communicated to the academic tutor or admin staff member who has made the complaint. Where the complaint is against an individual, both parties will be given a copy of the decision. This will be handed to the academic tutor or admin staff member whenever possible or posted directly by recorded delivery to the academic tutor or admin staff member within three working days of the hearing and to the academic tutor or admin staff member's representative, where applicable.

4.11 Failure to meet the requirements of redress set out by the panel will result in the invocation of the Disciplinary policy and procedure, unless an appeal has been lodged

## **5 Right of appeal**

5.1 Should the complainant wish to appeal against the decision of the panel they must do so, in writing, to the Principal (or to the Chair of the Council if the grievance was heard by Council members) within five working days of being informed of the decision.

5.2 A request for an appeal must specify the grounds of the appeal preferably under one or more of the following headings:

- The nature of any redress
- The finding of the hearing on a point of fact which is pertinent to the decision of the hearing
- A failure to adhere to the published procedure.

5.3 A member of the original panel will attend to present their findings and reasons for their decision. The academic tutor or admin staff member and the management representative presenting the case should use the guidance attached at Annex 1 and Annex 2 as best practice for the presentation of their respective case statements. Witnesses may be called.

5.4 The appeal will be heard by the Principal or nominated deputy and another senior staff member. An appeal to a grievance raised by a member of the Management Committee will be heard by members of the Council. An appeal to a grievance raised by the Principal will be heard by the Chair of the Council and a further member of the Board. The appeal panel members, the academic tutor or admin staff member and the management representative should receive the written cases five working days before the hearing. The format of the appeal hearing will depend upon the nature of the appeal. If it is a re-hearing it will follow the format at Annex 1. The academic tutor or admin staff member will be given five working days' notice that the hearing is to be held. The complainant may request an alternative date to allow up to an additional five working days if their representative is unavailable. If following a reasonable attempt to rearrange the hearing, the academic tutor or admin staff member is still unable to attend, they may send a representative, or the hearing may be held in their absence.

5.5 The complainant should ensure that they attend the meeting at the specified

time. If they are unable to attend because of circumstances beyond their control, they should inform their line manager as soon as possible. If they fail to attend without explanation, or if it appears that they have not made sufficient attempts to attend, the hearing may take place in their absence.

5.6 The appeal is not a rehearing of the original grievance, but rather a consideration of the specific areas with which the academic tutor or admin staff member is dissatisfied in relation to the original grievance. The chair of the panel may therefore confine discussion to those specific areas, rather than reconsider the whole matter afresh.

5.7 The panel will hear all or part of the previous hearing depending upon the nature of the appeal. The panel has the scope to:

Uphold all or part of the previous decision Not uphold the previous decision.

5.8 If the panel decides either to uphold only part of the previous decision or not to uphold the previous decision, it may at its discretion substitute an appropriate remedy of its own choosing.

5.9 Within three working days of the appeal the panel will record the decision and hand it to the academic tutor or admin staff member wherever possible otherwise it will be posted directly by recorded delivery.

5.10 Any recommendations made by the panel will be notified to the appropriate individuals, and will be time bound. Failure to meet the requirements of the panel will result in the invocation of the Staff Disciplinary Policy.

5.11. The decision of the appeals panel is final.

### **Annex 1: Format of the formal grievance / grievance appeal hearing**

1.1 The panel shall be responsible for the proper conduct of the hearing, which shall be conducted on a formal basis.

1.2 The chair of the panel will conduct the introductions of those present and confirm the names of any witnesses who may be called. The chair of the panel will ensure that all parties understand the nature of the complaint and ask the academic tutor or admin staff member who is bringing the complaint to say how they think it should be settled.

1.3 The panel shall order the proceedings as follows:

Ask the academic tutor or admin staff member to present their case allowing the investigating officer or respondent to ask questions after the presentation has been completed. The academic tutor or admin staff member may call witnesses or refer to documents previously circulated and necessary for the hearing

While the complainant will be given every opportunity to explain their case fully, they should confine their explanation to matters that are directly relevant to the complaint. The chair of the panel will intervene if he/she thinks that the discussion is straying too far from the key issue. The chair may also intervene to ensure that the meeting can be completed within a reasonable timeframe, depending on the nature and the complexity

of the complaint

Ask the investigating officer or respondent to respond to the case, allowing the academic tutor or admin staff member to ask questions after the presentation has been completed. The investigating officer or respondent may call witnesses or refer to documents previously circulated and necessary for the hearing.

The panel may ask questions on points of clarification at any time and may call witnesses. Questions shall be put to each party after it has presented its case.

If either party wish to present evidence not previously circulated the hearing may be adjourned to allow the other side to consider it.

Allow the academic tutor or admin staff member and then the investigating officer or respondent the opportunity to sum up their cases. Neither party may introduce new matters in their summing up.

1.4 The panel adjourns to consider its decision, which shall be given as soon as possible after the hearing, but in any case within three working days of the hearing.

1.5 At the same time the academic tutor or admin staff member shall be advised of their right to appeal against the decision.

## Annex 2: Guidance for appeal documentation

<b>Academic tutor or admin staff member</b>	<b>Management</b>
<ol style="list-style-type: none"> <li>1. Grounds of appeal.</li> <li>2. Case statement, which should include as appropriate:               <ul style="list-style-type: none"> <li>• introduction explaining the reasons for appealing</li> <li>• summary of case</li> <li>• outcome sought</li> <li>• appendices</li> </ul> </li> </ol>	<ol style="list-style-type: none"> <li>1. Response to grounds of appeal</li> <li>2. Case statement, which should include as appropriate:               <ul style="list-style-type: none"> <li>• introduction, background to the case, processes followed on calling the original hearing, how the decision was arrived at</li> <li>• summary of case</li> <li>• recommendations</li> <li>• appendices</li> </ul> </li> </ol>

2.1 If papers are presented in this way it should be possible for the appeal hearing only to hear any specific comments or particular aspects of the case, rather than a repetition of the original hearing.