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| Policy Title | Grievance Policy: Postgraduate Training |
| Approvers | SMG, Executive Board |
| Author(s) | Training and Faculties Office |
| Applies to | RCPI Postgraduate Trainees and Trainers |
| Policy Number | TFO-001 |

Purpose

The purpose of this policy is to enable an RCPI Trainer or Trainee to raise complaints concerning training matters so that the issue may be addressed promptly minimizing disruption to training.

The Grievance Policy is the College's official process for dealing with a complaint raised by a Trainer or Trainee in relation to treatment believed to be wrong or unfair.

This procedure provides a comprehensive method for the resolution of grievances.

Scope

This policy can be used by Trainees enrolled on RCPI postgraduate training programmes and RCPI accredited Trainers providing training on such programmes. A grievance may be defined as a complaint which a Trainee or Trainer has concerning his or her terms and conditions of training and/or training relationships. Complaints related to bullying and harassment must be dealt with under the Anti-Bullying and Harassment policy.

Examples of possible complaints that may be raised to the RCPI by a Trainee under the grievance policy include:

- a) Unfair treatment by Trainer (outside definition of bullying and harassment)
- b) Unfair treatment by Training Director (National Specialty Director, Regional Programme Director, Clinical Lead) (outside definition of bullying and harassment)
- c) Significant deficiencies in training
 - (i) Assignment of duties
 - (ii) Rostering arrangements
 - (iii) Granting study leave
 - (iv) Access to protected training time
 - (v) Access to courses

Examples of possible matters that may be raised to the RCPI by a Trainer under the grievance policy include:

- a) Unfair Treatment from Trainee
- b) Unfair Treatment by Training Director (National Specialty Director, Regional Programme Director, Clinical Lead)

Principles

The following principles apply to all stages of the grievance procedure:

- A RCPI Trainer or Trainee should, where possible, raise complaints on an informal basis with the Trainer or Trainee or the National Specialty Director/Regional Programme Director in the first instance before invoking the formal grievance procedure.
- Every effort will be made to address complaints quickly and fairly. While every effort will be made to adhere to the prescribed time limits, these may be extended at any stage where necessary
- A RCPI Trainer or Trainee will not be penalised for making a complaint in good faith, regardless of whether the complaint is upheld or not.
- Before invoking the grievance procedure, the complainant should consult the other RCPI policies and procedures relating to training to determine the most appropriate pathway for the complaint. The complainant may contact RCPI Postgraduate Training and Education office for guidance as to how best to proceed.
- The grievance procedure is not an appropriate mechanism for a Trainer to address alleged shortcomings in the Trainee's work standards, conduct or attendance. These matters may be dealt with through the RCPI *Progression through Training* policy or, where appropriate, the RCPI *Disciplinary Policy*. A Trainee may also address decisions relating to the training programme via the mechanisms to Reconsider or Review a Decision under the *Appeals Policy*.
- If a trainee has a request relating to appropriate accommodations, this should be raised in accordance with the *Equal Opportunities Policy*.

- RCPI will deal with a grievance in as confidential manner as possible. However, in some circumstances, it will be necessary to disclose the content of your grievance to third parties – for example, where that grievance has the potential to adversely impact another person, they are entitled to fully understand any allegations made against them. RCPI will consult with you before sharing information about your grievance with other parties. RCPI will retain information about your grievance on your personnel file.
- The raising of a grievance does not excuse a person on the training programme from carrying out their contractual obligations to participate in the Training Programme.
- A person raising a grievance has the right to be accompanied by a colleague throughout the process. However, the person must recognise that in certain limited circumstances the choice of companion may not be allowed (e.g. if the chosen person has a conflict of interest, is a witness to matters complained of).

Process

Informal Discussions

Most routine complaints should be capable of being resolved on an informal basis without recourse to the formal grievance procedure. RCPI Trainees and Trainers are encouraged to address any issues promptly.

In the case of a complaint from an RCPI Trainee; the Trainee should, where possible, raise the matter informally with their assigned Trainer before invoking the grievance procedure. If the complaint relates to their assigned Trainer, the Trainee may choose to discuss the matter informally with the National Specialty Director/Regional Programme Director. In the event of a conflict of interest the Trainee may choose to discuss the matter informally with another Trainer or a RCPI representative (eg. Director of Training).

In the case of a complaint from a RCPI Trainer; the Trainer should, where possible, raise the matter informally with the National Specialty Director/Regional Programme Director before invoking the grievance procedure.

If the matter is raised informally with the National Specialty Director/Regional Programme Director they will seek to address and resolve the issue complained of in an informal and efficient manner, where circumstances permit it. The person with whom the matter has been informally raised and the person making the grievance may seek the support of Postgraduate Training and Education office at any time.

If the person making the grievance does not wish to use the informal procedure, or if the informal procedure either does not resolve or is not an appropriate means of resolving the issue, the formal procedure may be initiated by the person making the grievance or the person who receives the grievance.

Formal Complaint: Lodging a Grievance

If the matter has not been resolved satisfactorily through informal discussions, the RCPI Trainer or Trainee may raise a formal complaint under the grievance procedure.

The RCPI Trainer or Trainee should refer the grievance in writing to the Training Body using the Grievance Form (appendix one).

Stage One: Preliminary Review

When received, the complaint will be reviewed by the Dean/Chair of the Postgraduate Training Body to determine if the complaint is eligible to be reviewed under the grievance procedure.

The Dean/Chair of the Postgraduate Training Body will decide based on the submitted complaint whether to continue the investigation under the Grievance Procedure or whether the grievance would be more appropriately, justly and efficiently resolved by reviewing the matter under another procedure including employer human resource policies.

If the Dean/Chair of the Postgraduate Training Body deems the complaint does not fall within the remit of the grievance procedure, the complainant may be referred to the appropriate alternative Policy.

When a RCPI Trainer/Trainee raises a formal grievance, all actions must be documented and retained. All information recorded in the Complainant Grievance Record form will be retained in a grievance folder with the appropriate security measures in accordance with the GDPR.

If the Dean/Chair of the Training Body decides to proceed with the investigation, they will do so in accordance with the procedures outlined below.

In some cases, complainant may be requested to attend a pre-investigation meeting with a representative of RCPI to discuss the grievance received, further clarify the subject matter of the grievance and determine appropriate next steps.

Stage Two – Investigation Meetings

If agreement cannot be reached informally the Dean/Chair of the Postgraduate Training Body will establish a panel to consider the matter in detail and produce recommendations.

Investigation Panel

The Dean/Chair of the Postgraduate Training Body will nominate an investigation panel of three persons:

- a) Training Director/Associate Dean as appropriate
- b) Member/Fellow of the Training Body
- c) RCPI staff member

Investigation Process

- The Panel will review all the relevant documentation prior to meeting with the complainant.

- The Panel will meet with the complainant and ask a series of questions to determine what has occurred from the perspective of the complainant and to explain his or her concerns and desired outcomes.
- The panel will initiate such additional investigations as they consider appropriate to the grievance. This may involve meeting with other persons, reviewing additional documentation and any other steps that the Panel consider to be relevant. Meetings with other relevant stakeholders will generally only occur having first met the person raising the grievance. Notes shall be taken of all meetings.
- For all grievances made, the RCPI shall retain all notes recording the nature of the grievance and the outcome of the grievance process in the Grievance folder with the appropriate security measures in keeping with GDPR and for the duration stated in the RCPI Retention Policy.

Outcome

Once all additional investigations have been completed, the Panel will make a decision and inform the Complainant (and, if relevant, other persons) of their findings.

If the Panel finds that a grievance was not upheld or that the evidence is not sufficient to make any judgement a full explanation of reasoning will be supplied to all parties involved.

If the Panel finds that the grievance is upheld, it may make recommendations to the Dean/Chair of the Training Body. Examples of possible recommendations [more than one recommendation may be made] may include:

- Changes to curriculum
- Reallocation of the trainee
- Training site improvement requirements
- Inspection of Training Site
- Initiation of the Disciplinary Policy
- Removal of Trainer accreditation
- Referral to the Medical Council Health Committee
- Complaint to Medical Council

- Referral to Trainer/Trainee employer
- Referral to the RCPI Professional Support and Development department

The Panel will inform the Dean/Chair of the Postgraduate Training Body of the recommendations. The recommendations will be submitted to the Faculty/Institute Executive Board for decision. The Dean/Chair of the Postgraduate Training Body will liaise with the appropriate RCPI personnel to implement the Panel's recommendations.

If there is strong evidence that the grievance made was vexatious or malicious, the College Trainer/Trainee who lodged the formal complaint may be subject to disciplinary action.

Appeal

The person making the grievance has a right to appeal the Panel's decision. Please refer to the RCPI Appeal Policy for further information on the Appeals Process.

Once the Appeal Policy is exhausted, there is no further right of internal appeal.

Review

This Policy shall be subject to review every three years from the date of approval of this document by the Executive Board

| Approved By: | Date |
|---------------------------|-------------|
| Senior Management Group | 12/06/19 |
| Executive Board | 14/06/19 |
| Review | |
| Review by Executive Board | March, 2022 |

RCPI is GDPR compliant should you have any queries on GDPR please contact dataprotectionofficer@rcpi.ie.

Appendix One - Grievance Form

Please read the Grievance Procedure carefully before completing this form.

Name

RCPI ID Number

Training Programme

Address for Correspondence

Email

Contact Number

Please list the person/s, with whom/which you are grieving (if relevant):

Details of the grievance: (please ensure that all relevant details are provided here, including the date, time and place of the incident, if relevant. Additional relevant supporting documentation may also be included if required). Please note that where another individual is named under the principles of natural justice it will be necessary to share any comments or details relating to them.

If there were witnesses please list

Please outline any steps taken to resolve this grievance. (Attach additional sheets, if required).

I, the undersigned, fully understand that a copy of this completed form may be provided to any individual who is the subject of this grievance or who may be otherwise involved.

Signed: _____

Date: _____

Completed forms should be returned to the Dean/Chair of Postgraduate Training and Education,
Royal College of Physicians of Ireland, electronically and in hard copy