

## **CLYDESDALE HOUSING ASSOCIATION LIMITED**

<b>Policy:</b>	<b>Grievance Policy</b>
<b>Date:</b>	<b>7 December 2022</b>
<b>Lead Officer:</b>	<b>Management Team</b>
<b>Review Date:</b>	<b>26/04/2025</b>

### **Standard 5 The RSL conducts its affairs with honesty and integrity.**

Guidance 5.1 The RSL conducts its affairs with honesty and integrity and, through the actions of the governing body and staff, upholds the good reputation of the RSL and the sector.

5.2 The RSL upholds and promotes the standards of behaviour and conduct it expects of governing body members and staff through an appropriate code of conduct. It manages governing body members' performance, ensures compliance and has a robust system to deal with any breach of the code.

5.3 The RSL pays due regard to the need to eliminate discrimination, advance equality and human rights, and foster good relations across the range of protected characteristics in all areas of its work, including its governance arrangements.

5.4 Governing body members and staff declare and manage openly and appropriately any conflicts of interest and ensure they do not benefit improperly from their position.

5.5 The governing body is responsible for the management, support, remuneration and appraisal of the RSL's senior officer and obtains independent, professional advice on matters where it would be inappropriate for the senior officer to provide advice.

5.6 There are clear procedures for employees and governing body members to raise concerns or whistleblow if they believe there has been fraud, corruption or other wrongdoing within the RSL.

5.7 Severance payments are only made in accordance with a clear policy which is approved by the governing body, is consistently applied and is in accordance with contractual obligations. Such payments are monitored by the governing body to ensure the payment represents value for money. The RSL has considered alternatives to severance, including redeployment.

5.8 Where a severance payment is accompanied by a settlement agreement the RSL does not use this to limit public accountability or whistleblowing. The RSL has taken professional legal advice before entering into a settlement agreement.

## Contents

1. Introduction.....	3
2. Policy Aims: .....	3
3. General Data Protection Regulations.....	3
4. Equal Opportunities .....	4
5. You can expect Any Organisation to:.....	4
6. We expect that you will: .....	4
7. Informal Process.....	4
8. Formal Process .....	4
9. Stage 1 .....	5
10. Stage 2 .....	5
11. Stage 3 .....	5
12. Stage 4 .....	5
13. JNC appeal .....	6
14. Timescales.....	6
15. Stage 1 .....	6
16. Stage 2 – Appeal .....	6
17. Outcome .....	6
18. Grievances raised after your employment has ended .....	7
19. Collective grievances .....	7
20. Review Period.....	7

## 1. Introduction

Grievances are concerns, problems or complaints you may have with regard to your employment with Clydesdale Housing Association, e.g. concerning the job, working environment or any of your colleagues.

While you are employed with us, we want to make sure you feel comfortable that any issues or disputes you raise will be looked at and resolved wherever possible. We encourage you to raise your concerns immediately at the lowest possible level and we will do our best to resolve the majority of these quickly, using our informal process. However, we know that sometimes a formal procedure is also needed when the informal process does not reach a satisfactory conclusion, or where it is not appropriate to use. This policy provides the details of both the informal and formal processes.

This policy applies to all staff within Clydesdale Housing Association.

## 2. Policy Aims:

- To provide a mechanism for addressing staff concerns in a fair and consistent manner.
- To make sure Clydesdale Housing Association Limited complies with its responsibilities within employment law and best practice.

## 3. General Data Protection Regulations.

Any information that we hold regarding an individual must be treated lawfully and correctly in line with the safeguards outlined in the General Data Protection Regulation 2016 (GDPR) which requires data to be:

- lawfully, fairly and transparently processed
- processed for limited purposes
- adequate, relevant and limited to what is necessary in relation to the purposes for which it is processed
- accurate and kept up to date
- kept no longer than the period necessary and
- kept securely against unauthorised or unlawful processing and protected against accidental loss, destruction or damage.

The processing will be carried out in a way that ensures compliance with the rights of data subjects, including:

- the right to be informed
- the right of access
- the right to rectification
- the right to erasure (so far as applicable)
- the right to restrict processing

- the right to data portability (so far as applicable)
- the right to object to processing (including profiling); and
- the right not be subject to fully automated decision-making including profiling.

Further information is available by viewing the Association's Privacy Policy.

#### 4. Equal Opportunities

As an employer, Clydesdale Housing Association encourages equality of opportunity. In particular the observance of equal opportunity requirements as specified in the Equality Act 2010.

We do not discriminate against any member of staff in any way either directly, indirectly or by association because of their age, disability, gender identify (reassignment), marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation.

#### 5. You can expect Any Organisation to:

- Listen to any concerns you raise either informally or formally and in line with the procedures set out below.
- Investigate your concerns, as we deem appropriate.
- Provide you with the opportunity for a maximum of two appeals as part of the formal process.

#### 6. We expect that you will:

- Raise any concerns you have promptly, while following the correct procedure.
- Use the informal process in the first instance (where appropriate) and only use the formal process where it is necessary.
- Let us know what your concerns are and how you would like to see them resolved.
- Complete Clydesdale Housing Association's grievance form and pass this to the appropriate manager.
- Co-operate and participate as required in any investigations we see fit.
- Start the process with the view of achieving an acceptable outcome for all concerned.

#### 7. Informal Process

We encourage all staff to raise any concerns with their line manager. They will discuss the issues and any reasonable solutions with you. If you are unhappy with the outcome using this method, you will have the option of raising your concerns formally.

#### 8. Formal Process

The following rules apply for the formal grievance process:

- If you wish to raise a formal grievance, you must complete the grievance form (appendix 1 at the end of this policy). If you do not

complete the form and give it to the appropriate manager, we will not treat your complaint as a grievance.

- At all stages of the formal process you will have the right to be accompanied by a trade union representative or a workplace colleague. Your chosen companion is allowed to summarise your case, and confer with you. However, they do not have the right to answer questions on your behalf.
- We will not make any changes connected to your complaint, until it is resolved, the procedure is exhausted, or you do not wish to pursue the matter further.
- If your concerns relate to or involve a manager, your complaint will be dealt with at the level above the manager involved.

## 9. Stage 1

You should first raise your grievance with your line manager, who will try to resolve the matter within 2 working days.

We will keep a written record of your grievance and any proposed solution in your personal file.

If the matter is not resolved to your satisfaction, you can raise up to two appeals, including the JNC appeal.

## 10. Stage 2

In the first instance, you should ask for a meeting with a more senior manager.

They will hold a meeting within 3 working days of your request and carry out an investigation to give you a decision within 5 working days of the meeting.

A written record of your grievance and any proposed solution will be recorded in your personal file.

## 11. Stage 3

If you are still not satisfied, you should present the grievance in writing to the chair of the staffing sub-committee or equivalent. The chair will then arrange a meeting of the representatives of the committee within 10 working days.

The chair should tell you the date and time of the hearing. After hearing the grievance, the staffing sub-committee or equivalent will give their decision in writing to you within 3 working days of date of meeting.

## 12. Stage 4

Appeals from the decision of the representatives of the committee will be to the JNC Appeal Chair.

You should appeal in writing within 7 days of receiving notice of the decision, stating the reasons for your appeal.

The hearing will be arranged within 20 working days, where possible. After hearing the grievance, The JNC Appeal Chair will give their decision in writing to both you and your trade union within 5 working days of the date of the hearing.

This is the final stage of internal appeal process.

### **13. JNC appeal**

The JNC Appeal Chair is the final stage of the internal disciplinary and grievance procedure available. The Secretary to the JNC Appeal will send you a copy of the guidance notes if you make a valid request for an appeal. The Chair's decision is followed by a written report.

Please note that if your original grievance is heard by the board/committee, there will only be one appeal to the JNC making the process two stages only.

### **14. Timescales**

We may amend the timescales at any stage of the procedure if you and we agree. For JNC hearings, each side may apply for an extension to the JNC Chair.

### **15. Stage 1**

If you have not been able to resolve the matter informally, you should raise the matter, in writing, using the grievance form and give this to your line manager unless your complaint is about your line manager. In that case, your complaint will be dealt with at the level above the manager involved. We will write and invite you to a meeting within 7 calendar days where possible. At the meeting, we will hear your concerns and ask what your proposed solution is. We will write to you within 7 days with the outcome, and details of how to appeal the decision if you are unhappy with it.

### **16. Stage 2 – Appeal**

Where you feel that your grievance has not been satisfactorily resolved during Stage 1, you can appeal the outcome by proceeding to Stage 2 of the process. You should submit your appeal in writing to outline the reason for your appeal without unreasonable delay. We will write to you and invite you to a meeting within 7 days where possible. The appeal will be heard by the next level above the manager that made the original decision or a manager who was not previously involved in the case. Your concerns will be heard at this meeting and you will be asked what your proposed solution is. The outcome of the appeal will be communicated to you in writing within 7 days from when the meeting was held. A decision made at this level will be final.

### **17. Outcome**

After we have heard your concerns at the grievance hearing, an appropriate investigation will take place based on the information you have provided. We will write to you with our findings once we complete our investigation.

The outcome of your complaint will be one of the following:

- Your concerns have been upheld
- Some of your concerns have been upheld, and others have not.
- Your concerns have not been upheld.

Where it is possible, we will give you the reason/s why any decisions have been made. This does not mean you will automatically have access to the investigation nor witness statements that we have taken. Clydesdale Housing Association takes confidentiality of all its staff very seriously and must ensure that it complies with Data Protection requirements. As a result, only information concerning yourself that does not breach the confidentiality of others may be made available to you. If we take action against one of your colleagues because of your complaint, we will not inform you of this under any circumstances.

#### 18. Grievances raised after your employment has ended

If you raise a grievance after your employment has ended, we will consider it and respond to you in writing (without holding a meeting).

#### 19. Collective grievances

A collective grievance is a complaint against an issue, which affects all staff or a group of staff in the same way, e.g. a change to a working practice, or working hours. If you wish to raise a collective grievance this should be at Stage 2 of the formal process.

If the issue is not resolved after going through the internal procedure, either you or we may refer the matter to ACAS conciliation.

#### 20. Review Period

We will review the Policy every three years or sooner if required by statutory, regulatory or best practice requirements.

<b>Approved by the Committee of Management on: 7 December 2022</b>	
<b>Signed:</b>	<b>Signed</b>
<b>Secretary/Chairperson</b>	<b>Staff Member</b>