

GRIEVANCE POLICY

Approved On	May 2021
Date of Next Review	May 2024

1. Introduction

Grievances are concerns, problems or complaints you may have with regard to your employment with West of Scotland 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 West of Scotland Housing Association. We have a separate policy for Willowacre Trust staff.

2. Policy Aims

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

3. You can expect West of Scotland Housing Association to:

- Listen and be sensitive to any concerns you raise either informally or formally and in line with the procedures set out below.
- Carry out any necessary investigations to establish the facts of the case.
- Consider action to resolve the concern, which may include mediation where there is an issue with another member of staff
- Provide an outcome in writing to you from any formal grievance hearing, which includes where appropriate, the action we intend to take to resolve the issue
- Provide you with the opportunity for a maximum of two appeals as part of the formal process unless your original grievance is heard by the Staffing Sub Committee/Board. In this situation, there will only be one appeal to the JNC making the process two stages only.

4. 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. When stating your concerns, you should stick to the facts and avoid language which may be considered offensive or abusive.
- If having attempted to resolve an issue informally or where the informal process is not appropriate, complete West of Scotland Housing Association's grievance form and pass this to the appropriate manager. We reserve the right on receiving a grievance form, to consider and discuss action to resolve the issue informally, if this has not been previously attempted.
- 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.

Both WSHA and the employees should raise and deal with issues promptly, and should not unreasonably delay meetings, decisions or confirmation of those decisions. This is the reason why we have included clear timelines in respect of the process for both WSHA and employees.

5. Informal Process

We encourage all staff to aim to settle most grievances informally, and if it cannot be resolved directly with the individual concerned, it should be raised with your line manager. In cases where the line manager is the subject of the grievance, you should discuss your concerns with level above them. The line manager will discuss the issues and any reasonable solutions with you. Where a fellow employee is the subject of a complaint, the next step will normally include a private conversation with that individual to clarify the situation to assist with finding a resolution. Where possible we will also try and resolve a grievance concern informally and reach an acceptable outcome for all concerned.

However, if you are unhappy with the outcome using this method or this method is not appropriate, you will have the option of raising your concerns formally.

6. Formal Process

If you are not able to resolve the grievance informally, a formal process should be followed:

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). We need to receive a formal grievance in writing before your complaint can be treated as a formal grievance.

- Please pass this form to the relevant manager who is not involved in the subject of the grievance, as soon as possible. It is important that you clearly set out the nature of your grievance and outcome that you are seeking.
- 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, respond on behalf of you and confer with you. However, they do not have the right to answer questions on your behalf.
- We will not normally make any changes connected to your complaint, until it is resolved, all stages of the procedure have been taken, or you do not wish to pursue the matter further.
- If your concerns relate to or involves a manager, your complaint will be dealt with by a manager at the level above the manager involved.
- Where a grievance is initiated at a higher stage, this does not preclude attempting to resolve the grievance informally in the first instance.
- If the matter is not resolved to your satisfaction, you can raise up to two appeals at the consecutive stages above where the formal process started. Therefore, in the case of a grievance starting at Stage 1, a final appeal is at Stage 3 to Staffing sub Committee/Board or where it commences at Stage 2, appeals can be raised at Stage 3 and then JNC.
- Where the process, starts at Stage 3, there is only one appeal stage to JNC

6.1 Stage 1

As detailed above, if you have not been able to resolve the matter informally, you should raise the matter in writing by completing the enclosed grievance form and give this to your line manager who will seek to resolve this matter within 2 working days if possible. If your complaint relates to or involves your line manager, you should pass your grievance to the level above the manager involved who will seek to resolve this matter within 2 working days if possible.

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

6.2 Stage 2

If the matter is not resolved to your satisfaction at stage 1 of the formal process, you should ask for a meeting with a more senior manager without unreasonable delay.

They will hold a meeting with you within 3 working days. They will then carry out an investigation where required and provide you with a decision within 5 working days. If they are unable to meet these timescales as more in-depth investigation is required, you will be informed in writing and kept up to date in relation to timescales. As with the first stage in the formal process, the senior manager will seek to resolve this matter if possible.

If your concern relates to a member of CMT, you should ask for an initial meeting, with the CEO, informally and if unresolved formally at stage 2 of the process. Please refer to the flow chart (appendix 2) for process steps.

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

6.3 Stage 3

If you are still not satisfied with the outcome of your grievance from stage 2, you should present the grievance/ grounds of appeal in writing within 5 working days. A meeting will be arranged of the representatives of the Staffing Sub-Committee or equivariant Board members, within 10 working days. The Chair will advise you of the date and time of the hearing. As with all other stages of the formal process, you will have the right to be accompanied by a trade union representative or work colleague. After hearing the grievance, the Staffing Sub-committee or equivalent will give their decision in writing to you within 3 working days of the date of the meeting where possible. If they are not able to respond within this timescale as further investigation is required, they will inform you of this in writing and keep you updated in respect of timescales. As with the previous stages in the formal process, the Staffing Sub Committee will seek to resolve this matter if possible.

If your concern relates to the CEO, you should ask for an initial meeting with the Chair of the Board informally and if unresolved formally at stage 3 of the process. If your concern relates to the Board or a member of the Board, you should ask for an initial meeting with the CEO, informally and if unresolved formally at stage 3 of the process. Please refer to the flow chart (appendix 2) for process steps

For grievance initiated at stage 1 of this process, this is the final stage for appeals.

6.4 Stage 4

Appeals following on from the decision of the representatives of the Staffing Sub Committee will be to the JNC Appeal Chair. You should appeal in writing within 5 working days of receiving notice of the decision from the Staffing Sub Committee, stating the reasons for your appeal. Details of how to make this appeal will be detailed in your correspondence from the Staffing Sub Committee. The hearing will be arranged within 20 working days, where possible. After hearing the grievance, the JNC 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.

7. 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 WSHA Board/Staffing Sub Committee, there will only be one appeal to the JNC making the process two stages only.

8. 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 in line with the Terms and Conditions.

9. 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.
- Any resulting outcome of the process, provided this information does not breach individual confidentiality

In respect of each of the outcomes above, we will seek to find resolution where it is possible and acceptable to all those involved.

10. Mediation

Using mediation can be an optional part of the process, in order to resolve matters where appropriate. Mediation is a voluntary process where the mediator helps two or more people in dispute attempt to reach an agreement. Any agreement comes from those in dispute, not from the mediator. The mediator is not there to judge, to say one person is wrong or right or tell those involved in mediation what they should do. The mediator is in charge of the process seeking to resolve the problem, not the outcome.

Mediators can be where appropriate an employee who is trained and an accredited mediator or an external mediation service.

Examples of when mediation could be used include:

- For conflict involving colleagues of a similar grade or job, or between a line manager and their staff
- At any stage of the conflict as long as ongoing formal procedures are temporarily suspended
- To rebuild relationships after a formal dispute has been resolved
- To address a range of issues including relationship breakdown, communications issues and personality clashes

Mediation may not be suitable if:

- Used a first resort – people should be encouraged to speak to each other and talk to their manager before seeking a solution via mediation
- It is used by a manager to avoid their managerial responsibilities
- A decision where right or wrong is needed e.g. serious breach of the code of conduct, criminal activity.
- The individual is bringing a discrimination or harassment case and wants it to be investigated
- The parties do not have the power to settle the issue
- One side is completely intransigent and using mediation will only raise unrealistic expectations of a positive outcome.

11. Timescale

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

12. General Data Protection Regulations

The organisation will treat your personal data in line with our obligations under the current data protection regulations and our own Data Protection Handbook. Information regarding how your data will be used and the basis for processing your data is provided in West of Scotland Housing Association's employee privacy notice.

13. Confidentiality

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 although we will provide data where it can be anonymised and has been used as the basis of our decision, for appeal purposes. West of Scotland 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.

14. Record Keeping

Records that are usually kept on an individual file in line with our record keeping process and would be provided to you, as follow:

- the nature of the grievance
- The notes of any meetings with you, which you would have the opportunity to clarify
- what was decided and actions/ outcome taken and what information this was based on
- whether an appeal was lodged
- the outcome of any appeals and subsequent developments

15. 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).

16. Adjustments to the Process

A grievance process can be stressful for everyone involved and even impact on individual's mental health. We will try to accommodate and adjust processes where there are signs of distress or where there is a previously disclosed mental health condition or disability. Similarly, adjustments will be considered due to language difficulties or staff's ability to express themselves. These may include translators, support workers or encouraging staff to use our employee assistance programme, their GP service or exercise their right for TU or colleague support.

17. Training

WSHA recognises that grievances can be distressing for all individuals concerned and that handling them requires sensitivity, empathy, and the ability to listen and handle difficult conversations well. WSHA will endeavour to provide appropriate training for its line managers and HR support for staff and line managers so issues can be resolved informally and quickly.

18. Grievance and other processes

Where a grievance is in relations to another individual's behaviour, and if as part of the investigation the behaviour is found to be inappropriate and potential serious misconduct (such as harassment or bullying), then a possible outcome may be for a recommendation for a disciplinary investigation to be undertaken. This should not be considered until the individual concerned has had the opportunity to explain their version of events and considered given as to whether it could be better resolved in some other way such as mediation, apology or to recommend informal disciplinary action.

Where an employee raises a grievance during a disciplinary process the disciplinary process may be temporarily suspended in order to deal with the grievance. Where the grievance and disciplinary cases are related, it may be appropriate to deal with both issues concurrently.

19 Related Policies

Policies relating to Grievance include:

- Complaints Policy
- Dignity at Work Policy
- Disciplinary Policy
- Equality & Diversity Policy
- Staff Code of Conduct
- Staff Terms & Conditions
- Whistleblowing Policy – Complaints Against the Chief Executive
- Board Code of Conduct – Dealing with Breaches Protocol

Appendix 1 Grievance Form

If you wish to raise a formal grievance you must complete the following form and give it to your line manager (unless the complaint concerns your line manager, in which case you should give the completed form to the manager at the next level).

Section 1 – About you

Name	
Job Title	
Department/Section	
Manager	

Section 2 – What is your complaint?

Section 3 – What action have you taken to resolve informally. If none, give reasons.

Section 4 – Please provide brief details of the outcome you would like considered

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Signed

Signature	
Date	

Appendix 2 Grievance Flow Chart

