

Grievance Policy



Dalmuir Park Housing Association can provide this document on request, in different languages and formats, including Braille and audio formats.

Policy:	Grievance Policy
Purpose:	To establish DPHA's policy and set out the Association's position on handling staff grievances.
Implementation date:	
Review Date:	July 2023
Next review date:	July 2026
Guidance:	EVH model policy (2018)
Regulatory Standards:	Standard 2: The RSL is open about and accountable for what it does. It understands and takes account of the needs and priorities of its tenants, service users and stakeholders. And its primary focus is the sustainable achievement of these priorities. Standard 5: The RSL conducts its affairs with honesty and integrity.
Other Relevant Policies	Terms & Conditions of Employment Staff Code of Conduct Notifiable Events Equality & Human Rights Policy Data Privacy Policy Notifiable Events Policy Whistleblowing
Date reviewed by Policy Review Working Group (PRWG):	31 January 2023 & 11 April 2023
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1.0 INTRODUCTION

- 1.1 Grievances are concerns, problems or complaints you may have with regard to your employment with Dalmuir Park Housing Association (DPHA), e.g. concerning the job, working environment or any of your colleagues.
- 1.2 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 with your Line Manager 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 and should be read in conjunction with Section A 14 of the EVH Terms and Conditions of Employment.
- 1.3 This policy applies to all staff within DPHA.

2.0 AIMS OF THE POLICY

- 2.1 To provide a mechanism for addressing staff concerns in a fair and consistent manner.
- 2.2 To make sure DPHA complies with its responsibilities within employment law and best practice.
- 2.3 You can expect DPHA to:
 - Listen to any concerns you raise either informally or formally and in line with the procedures set out below.
 - Investigate your concerns, keeping you informed of progress
 - Provide you with a written response if you have engaged the formal process
 - Provide you with the opportunity for a maximum of two appeals as part of the formal process.
- 2.4.1 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 DPHA's grievance form and pass this to the appropriate manager.
 - Co-operate and participate as required in any investigations we see fit.

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- Start the process with the view of achieving an acceptable outcome for all concerned.

3.0 INFORMAL PROCESS

We encourage all staff to raise any concerns with their Line Manager. Your Line Manager 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.

4.0 FORMAL PROCESS

4.1 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 your line 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 or the Chief Executive, your complaint will be dealt with at the level above the manager involved. If in doubt, you should speak to the Chief Executive or a member of the Leadership Team. Reference should be made to the Association's Notifiable Events Policy for further clarification on complaints against the Chief Executive or a member of the Leadership Team.

4.2 Stage 1

You should first raise your grievance with your Line Manager, who will try to resolve the matter within 3 working days of your request.

We will give you a decision within 5 working days of hearing your grievance.

We will keep a written record of your grievance, your Line Manager's response and any proposed solution in your personal file.

4.3 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 further 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.

4.4 Stage 3

If you are still not satisfied, you should present the grievance in writing, detailing why you remain unsatisfied with previous decisions at Stages 1 & 2 (if appropriate) to the chair of the Staffing Committee or equivalent. The chair will then arrange a meeting of the representatives of the Committee within 10 working days.

The Chair of the Staffing Committee should tell you the date and time of the hearing. After hearing the grievance, the Staffing Committee or equivalent will give their decision in writing to you within 3 working days of the date of meeting. If there is considered to be a reason that the Staffing Committee cannot hear the grievance, the Board of Management may decide another way for the grievance to be heard. This could be to another part of the governance structure or to an external independent party instructed by the Association.

4.5 Stage 4

If the matter is not resolved to your satisfaction, you can raise up to two appeals, including the JNC (Joint Negotiating Committee) appeal depending at which stage your grievance is heard at.

Appeals from the decision of the Staffing Committee will be to the JNC Appeal Chair.

You should notify the Secretary to the JNC appeal of your intention to appeal in writing within 5 working days of receiving notice of the decision.

The Secretary to the JNC will respond and you will be asked to complete the Appeal Hearing Request Form where you will be asked to outline the reason for your Appeal.

This is the final stage of DPHA's internal appeal process.

5.0 JNC APPEAL

- 5.1 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.

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.

5.2 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.

6.0 OUTCOME (Applies to each of the Stages 1-4 noted above)

After we have heard your concerns at the grievance hearing, an appropriate investigation will take place based on the information you have provided. This will be conducted either by your Line Manager or a manager at the next level above if the complaint relates to your Line Manager, for example another member of the Leadership Team. Again, reference should be made to the Association's Notifiable Event's Policy if your grievance relates to the Chief Executive or a member of the Leadership Team. 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.

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.

DPHA 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.

7.0 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).

8.0 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.

9.0 EQUALITY AND HUMAN RIGHTS

9.1 We are committed to promoting an environment of respect, understanding, encouraging diversity and eliminating discrimination by providing equality of opportunity for all. This is reflected in our Equality and Human Rights Policy.

10.0 DATA PROTECTION

10.1 We will treat personal data in line with our obligations under the current data protection regulations and our Privacy Policy. Information regarding how data will be used and the basis for processing your data is provided in our Employee Fair Processing Notice.

11.0 DISATISFACTION

11.1 Any employee not satisfied with the implementation of this Policy can in the first instance raise their concerns with their Line Manager or the senior officer dealing with the situation. If the employee remains dissatisfied they should refer to the processes contained within the Grievance Policy and Procedures.

12.0 POLICY REVIEW

12.1 This policy will be reviewed 3 years after it has been approved by the Board, or earlier if required.

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). If your complaint relates to the Chief Executive, give the completed form to the Chairperson.

Section 1 – About you

Name	
Job Title	
Team	
Manager	

Section 2 – What is your complaint?

Section 3 – Please provide brief details of the outcome you would like to be considered.

Signed

Signature	
Date	

GUIDANCE NOTE FOR THOSE INVOLVED IN THE GRIEVANCE PROCESS

This Guidance Note should be read in conjunction with the above Policy.

GENERAL CONSIDERATIONS

We recognise that raising a grievance can be difficult for everyone involved and we will support all parties throughout the process maintaining confidentiality where appropriate but ensuring there is an open and transparent process at the heart of our Policy and in keeping with our values.

When you raise a Grievance, DPHA will ensure that it is treated sensitively, and that Line Managers have appropriate training and experience to undertake the process at whatever stage is required.

DPHA is a small organisation and so there may be limited options if the complaint is regarding an employee's relationship with their Line Manager. In these circumstances an appropriate senior manager will be appointed to hear and investigate the complaint.

For routine grievances, it will usually be the employee's Line Manager who deals with the matter, both informally to begin with, and if there is no resolution, will manage the formal process too.

Each of the stages noted in the Policy above has a stated timescale for how the process will be taken forward. In some cases, it may not be possible to undertake the Grievance within the stated timescale, particularly if the appointed manager needs to conduct a detailed investigation. In these situations, all parties will be kept fully informed of timescales and progress and given adequate notice of any hearings in order that the employee can be accompanied by a colleague or trade union official.

THE EMPLOYEE BRINGING THE GRIEVANCE

Informal Process

If you have an issue regarding a situation at work, it is best to try and resolve this amicably and without invoking a formal process, but only if you feel comfortable doing so. Our principle is that we try to resolve most issues at the lowest possible level and without invoking the formal procedure.

This may be done by asking for an informal meeting to discuss the matter. If it relates to a professional relationship with a colleague, these issues are usually best resolved meeting on a face-to-face basis rather than raising issues via Email. If you need some support or reassurance about how to approach the issue, speak to your Line Manager. At this stage of the process, they may not get directly involved but will help you to resolve the issue. They will support you if you feel that you would rather address the issue through them first.

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If your grievance relates to working practices or other issues, then your Line Manager may suggest that you raise the matter first with the appropriate person depending upon the circumstances. It may be that will be a colleague in another department for example.

In both of the above cases, use the principles set out in the Association's Grievance Form (Appendix A) as a guide. For example, try to state clearly and concisely what the issue is, and provide some evidence or examples to illustrate this. Next, set out what you think could be done to rectify or improve the situation. This then allows everyone to be clear on exactly what the complaint is about and how it can be resolved.

You should keep notes of any discussions or meetings you have, in case you need to refer to them later in the formal process if you do not get a successful resolution informally.

Once a resolution is proposed or agreed, it is important to consider the solution and ensure it is acceptable to you and meets the requirements set out, or if it doesn't consider whether the explanation provided is acceptable.

If you consider that the Informal Process has not provided you with an adequate response, then you are free to raise the matter formally by submitting the Grievance Form at Appendix A (above).

Formal Process

The principles above will still apply. Your Line Manager, or their Line Manager, will arrange a meeting with you to discuss your complaint. It is important to be open and honest about the complaint and what you want to see happen to resolve the matter.

At this, and all other meetings, you can be accompanied by a trade union representative or a colleague. If you choose to bring a colleague to the meeting, they should not be involved in the complaint in any way, for example as a witness.

If you have any evidence to show your Line Manager relating to your grievance, this should be part of the formal meeting.

The manager investigating your grievance will then keep you informed of progress and the next steps they intend to take.

If your grievance is deemed to be serious enough, the manager may begin the formal process at Stage 2 or Stage 3 of our process. It is not always the case that your complaint has to pass through all of the preliminary stages of our process.

Once the manager has completed their investigation, they will arrange to hold another meeting and explain their decision to you, in accordance to Section 6 (above). They will then set this decision out in writing, detailing their reasoning and explain what happens next.

If there are issues identified during the investigation regarding your colleagues, you will not be informed of any subsequent actions DPHA takes as a result of your grievance, these will remain private and confidential.

THE MANAGER INVESTIGATING THE GRIEVANCE

Informal Process

The manager supporting the employee during the informal process should make every effort to work with the employee to resolve the matter without recourse to the formal procedure.

If the grievance is serious, or you have concerns regarding the possible outcomes, you should raise these discretely with a more senior member of the Leadership Team. They should not be directly or indirectly involved with the complaint at this stage. It may therefore not be appropriate to attempt an informal approach and the grievance may need to progress directly to the formal stages set out in the Policy.

There are no set timescales in the informal approach, but you should treat the grievance as a priority and resolve to set time aside to meet the employee and plan your next steps. You should then give the employee an indication of what your approach will be, and how long it may take.

You should ensure that you are clear on what the employee wishes to see as a resolution and discuss that in order to ensure expectations are reasonable and that the employee understands the process.

If other parties are involved, the Manager should discuss the issues in confidence and in a neutral, non-judgemental manner. It is important to maintain an independent position and not to be seen to jump to conclusions or make assumptions. There are always two sides to every story. You should subsequently make a written note of these discussions.

Once the Manager has got a clear picture of the grievance, and the circumstances, they should reach a conclusion/decision and then feedback to the employee in person. It is more difficult, and less personal, to convey sensitive information and your decisions in an Email.

The Formal Process

Once a formal grievance has been received by a Manager, they should first decide which stage of the process is most appropriate. For serious concerns, or if the grievance relates to senior members of staff, it may be appropriate to commence at Stage 2 or Stage 3 even. Advice should be sought before any grievance begins at Stage 3.

The Manager should follow the process detailed in Section 4 above. Again, if the grievance may take time to investigate and a report drawn up, you should keep all parties informed and the timescales above may be exceeded. It is important that any grievance is given priority and that if time scales are exceeded, that there are still reasonable. You should not underestimate

the difficulties people can experience if they are uncertain about how their grievance is progressing. Effective regular communication is important.

If the grievance involves a complaint about another member of staff, then you should arrange to interview them as part of your investigation to find out the facts. It is important to note here that these meetings are not disciplinary meetings and so there is no right for the other party to be accompanied. Your role is purely fact finding, to investigate the grievance and nothing more.

In order for the other party to be able to participate fully in the process, the Manager should share pertinent information regarding the grievance with them beforehand and during the meeting in order that they know what the meeting is about and can provide truthful accounts of their side of the story. It is also best to plan ahead and have a note of the questions you intend to ask.

If there are any witnesses to events which form part of the grievance, then the investigating Manager should interview them too and take a note of their contribution. It is not necessary to share the details of the grievance with witnesses at this stage, but it is important for them to know enough in order to make a meaningful contribution to the process.

Depending on the circumstances, a formal report may not be required in every grievance as the expectation is that you will provide a verbal summary at a formal meeting and then a full written explanation of your decision thereafter. This should highlight your approach, evidence gathered and how you have arrived at your conclusions. In setting these out, refer to Section 6 above.

The written response should also detail who is responsible for any Appeal should the employee be unhappy with the outcome.

If you are a Manager dealing with an Appeal, you should seek advice from senior members of staff on how to undertake the Appeal. At this stage of the grievance process, external support may also be useful to the organisation at this stage. The Leadership Team, or Board of Management if appropriate, will decide on how best to offer you support.

THE RESPONDENT (SUBJECT OF THE COMPLAINT)

The Informal Process

This section deals with how we will support staff who may be the subject of a complaint from colleagues which is then raised as part of the Grievance Procedure. We understand that it can be difficult to learn that relationships have reached a point where a grievance has been raised, our aim is to support all parties through the process.

In keeping with our values of doing the right thing, right, every time, we will keep all those involved in a grievance informed as best we can.

If a colleague has raised a concern informally, the Line Manager or whoever is dealing with the concern will discuss the matter with you or facilitate a discussion where both parties can address the matter openly and honestly and agree a mutually acceptable resolution.

The Line Manager will not usually document the outcome of an informal resolution on the basis that the matter has been resolved without the need to invoke the formal Grievance Process. Neither will any record of the process be kept within personnel records.

The Formal Process

If, after an attempt at informal resolution, there is a formal grievance raised which involves you, the principles above will be maintained as far as possible.

It is likely that the Line Manager or Manager investigating the grievance will wish to speak to you about the matter. This is about gathering information and fact finding, it is not a disciplinary process; the Manager will tell you what the basis of the complaint is and ask you for your response. The Manager will also speak to anyone else who may be able to contribute to the investigation in the form of witnesses.

The investigating Manager will then produce a report and make recommendations. Depending on the nature of the recommendations, the outcome will be shared with you. It may not be appropriate, due to Data Protection safeguards, to share the whole report with you.

You will be kept informed of the outcome and any further actions that are proposed.

WITNESSES

If you are asked by a Manager to make a statement or to attend an interview as a witness to an incident or issue which is the subject of a formal grievance, it is important to be open and honest as your testimony can have an impact on your colleagues.

Again, it is important to remind you of our values of doing the right things, right, every time. This includes calling out inappropriate behaviours if you witness them, and contributing to workplace processes that are designed to ensure that we are all accountable in accordance with our H.E.A.R.T. values and treated with care and respect.

In exceptional circumstances, it may be the case that witness testimonies are gathered anonymously, however everyone should understand that in a small organisation, it is often difficult to maintain anonymity in a formal process.

You are expected to maintain confidentiality at all times, and you should not speak to anyone other than the investigating Manager about the process, even if you believe that other colleagues are involved.

If you are worried about taking part, or any element of the process, speak to the investigating Manager about it. They in turn can look to offer you support, either from them or from someone not involved in the process.