



Langstane Housing Association

Grievance Policy

Date approved by Leadership Team	1 December 2022
Board of Management / Committee name	People Committee
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Review date	17 January 2026
Version	V1

Version	Date approved	Changes
Version 1	13 Dec 2022	First issue. To have standalone clear policy in place of a section in a Staff Handbook

1. Introduction and Commitment

This Policy applies to all Langstane Housing Association (“Langstane”) employees and sets out how we will deal with a formal grievance from an employee. These are situations where an employee has a problem, complaint, or concern which they wish to raise with the organisation.

Langstane’s commitment to all employees is that we will deal consistently, fairly and robustly with all such issues. The grievance will remain confidential as far as is possible.

2. Principles

The Policy meets the requirements set out in the ACAS Code of Practice on Disciplinary and Grievance Procedures and will respect the dignity of all concerned. This includes both the employee who raises the grievance as well as others involved in the complaint.

At Langstane we encourage open dialogue with Line Managers or another Line Manager who can support employees and answer any questions about concerns that someone may have.

Line Managers will discuss an employee’s concerns and attempt to resolve the matter within a reasonable timescale. Langstane will try to resolve any grievance that an employee may have as quickly as possible. This will include attempting to resolve any issues on an informal basis wherever possible, including the use of an independent mediator where it is appropriate.

Taking an informal route does not mean an employee cannot then proceed to a formal grievance. Where it is not possible for a grievance to be resolved informally, the process detailed here will be adopted. No decision will be taken until relevant investigations have taken place and the facts established.

At any stage, subject to the agreement of all parties, there may be a suspension of the process. Examples of this may be where it is to facilitate mediation, or where a separate investigation is needed under our discipline policy.

The aim of this process is to achieve a rapid and effective resolution of any grievance. Any unavoidable delays will be communicated to the employee and any witnesses during the grievance process and they will be kept updated as to progress. It is acknowledged that being involved in such matters can be stressful and therefore each stage will be completed as swiftly as the matters allow.

3. Langstane's Process

Stage 1: Putting it in writing

Employees should set out their concerns in writing to their Line Manager without unreasonable delay of the issue occurring. Should the grievance involve their Line Manager they should instead set out the concerns to the People and Culture Manager. Further attempts may be made to resolve the matter informally, depending on the nature of the complaint. If they are not satisfied with the outcome, they can insist that the matter is progressed to a full grievance hearing.

Where a grievance concerns the Chief Executive, the Board of Management will appoint a Sub Committee to carry out the investigation and submit a notifiable event to the Scottish Housing Regulator.

Stage 2: Invitation Letter

Employees will be invited in writing to a grievance hearing to discuss the issue as soon as is reasonably practicable. The letter will include the time and venue of the hearing; the procedure to be followed; and confirmation that they may be accompanied at the hearing (See Appendix 1).

Stage 3: Hearing

The hearing will be chaired by an appropriate Line Manager – most usually the Line Manager (unless they are the subject of the grievance).

The employee and any companion must take all reasonable steps to attend the hearing. The employee will have the opportunity to explain their grievance and to put their views forward. If they persistently fail to attend a hearing, a decision may be taken in their absence. A hearing may be adjourned if further investigation is necessary.

Employees will be informed in writing of the decision along with their right of appeal. The outcome will be that the grievance is either:

- Upheld – meaning that the Hearing Manager agreed that a fault has occurred, and that a solution is required – they will outline the proposed solution to your complaint.
- Not upheld – where the Hearing Manager did not agree with the grievance raised and that there is no case to answer.

Stage 4: Appealing

If an employee is not satisfied with the decision they should appeal within 7 calendar days of receipt of the decision. In their letter they should explain the reasons for their

appeal. The appeal should be sent in writing to the Appeal Manager named in the decision letter.

Appeal Hearing

The employee will then be invited to an appeal meeting, held without unreasonable delay, by a Line Manager who has, where possible, not been involved in the case. The Appeal Manager will be accompanied by a note taker and the employee will have the right to be accompanied at the appeal hearing (see Appendix 1). They will be informed in writing of the appeal decision, which is final.

Mediation

Mediation is a process for resolving disputes in which an impartial third party (the mediator) helps people to find a mutually acceptable solution. Mediation helps people communicate and work towards mutual agreements. It provides a structured way of managing conflict and can be used in various situations.

Mediation is voluntary, confidential and creates a situation which is acceptable to all parties. It helps to focus on the future with emphasis on rebuilding relationships rather than apportioning blame for what has happened in the past. Mediation is generally more effective and quicker than going through a formal process and can be used to settle disputes in a whole range of situations. Mediation can be entered into at any stage but ideally will be at the earliest opportunity.

4. Monitoring and review

The People and Culture Manager holds responsibility for monitoring and updating this policy as necessary. This will be undertaken at least every 3 years.

Appendix 1 – Right to be Accompanied

Employees have the right to be accompanied at any disciplinary or grievance hearing (including an appeal hearing) by a companion who is either a work colleague or a trade union official certified in writing by their union as being qualified to act as a companion at disciplinary or grievance hearings.

Employees must make a reasonable request for the companion to attend the hearing in advance, by confirming to the People and Culture Manager or named Hearing Manager.

A companion has the right to:

- explain and sum up the case;
- respond to any views expressed; and
- confer with the employee during the hearing.

A companion may not:

- answer questions on the employees behalf;
- address the meeting if the employee does not wish them to; or
- prevent Langstane from explaining the case.

Langstane are committed to Discipline and Grievance approaches that respect the dignity of all concerned. This includes both the employee who is the subject of any investigation and/or action and any witnesses as well as anyone acting as a companion. Each stage of the process will be carried out in a respectful manner and all parties are expected to act in this way to ensure a reasonable, robust and fair outcome for all involved.

If the companion is unable to attend on the date the hearing is scheduled for then it may be postponed for up to five working days (or longer if both parties agree).

There is no duty on a colleague or trade union representative to accept a request to accompany an employee and no pressure should be put on them if they do not wish to act as a companion. Where a colleague agrees to accompany a colleague, they are entitled to take reasonable time off to fulfil this responsibility. They should let their Line Manager know in advance.

As set out in the Employment Rights Act 1996 as amended, Langstane reserves the right to question any employee directly at any investigatory interview or disciplinary hearing.

Details of any companion need to be advised to the Hearing Manager in advance and no later than 24 hours before a hearing or appeal hearing.