



Muirhouse Housing Association

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Policy: Grievance Policy

Our Vision, Our Mission, Our Values

Our Vision is an engaged, thriving, desirable and eco-friendly Muirhouse with high quality, truly affordable and greener homes.

Our Mission - We will provide high quality, truly affordable homes and services for residents and strengthen our engagement and partnerships to enrich the community and safeguard our environment.

Our Values - In upholding our central value of providing high quality, affordable homes and services, our behaviours and decisions will demonstrate our commitment to

Excellence: Ensuring the highest standards in all that we do and innovating to continually improve. Across the MHA Group, we are committed to providing a high quality, customer focused service that demonstrates value for money.

Caring: Being compassionate about and responding appropriately to the needs of our residents, staff, and Board.

Mutual Respect: Valuing the views, knowledge, expertise, and skills of others and collaborating to achieve good outcomes for residents, staff and the Association. We will continue to be a leading member of the local community, working with our customers and statutory, voluntary, and private sector partners.

This policy applies to

To all employees of Muirhouse Housing Association.

Policy Summary

The Grievance Policy provides guidance to employees of the Association on how any concerns, problems or complaints in relation to their employments will be dealt with in a fair and consistent manner to ensure it complies with employment law and best practice.

Equalities

Muirhouse Housing Association are committed to ensuring people or communities do not face discrimination or social exclusion due to any of the following protected characteristics: age; disability; gender reassignment; marriage and civil partnership; pregnancy and maternity; race; religion and belief; sex or sexual orientation.

This document complies with our Equality, Diversity and Inclusion Policy.

Privacy

This policy has been developed and will be applied in compliance with General Data Protection Regulations (2018).

Compliance

SHR Regulatory Standards

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

Standard 6 – The governing body and senior officer have the skills and knowledge they need to be effective.

Related Policies

Code of Conduct (Staff and Governing Board Members)

Disciplinary Policy

Dignity at Work Policy Employment Contract

EVH Terms and Conditions of Service

Attendance and Absence Management Policy

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1.0. INTRODUCTION

- 1.1 Muirhouse Housing Association is committed to ensuring you feel comfortable that any issues or disputes you raise will be looked at and resolved wherever possible. The Association encourages 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 recognise 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.
- 1.2 Grievances are concerns, problems or complaints you may have with regards to your employment with Muirhouse Housing Association e.g. concerning the job, working environment or any of your colleagues.

2.0 PRINCIPLES

- 2.1 The following principles govern the operation of this:
- 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.

3.0 GENERAL DATA PROTECTION REGULATIONS

- 3.1 The Association will treat your personal data in line with our obligations under the current data protection regulations and our own privacy policy. Information regarding how your data will be used and the basis for processing your data is provided in the Association's employee privacy notice.

4.0 OBJECTIVES

- 4.1 The objectives of this policy are to:
- To provide a mechanism for addressing staff concerns in a fair and consistent manner.
 - To make sure the Association complies with its responsibilities within employment law and best practice.
- 4.2 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 Muirhouse Housing Associations grievance form and pass this to the appropriate manager.
- Co-operate and participate as required in any investigations that we see fit.
- Start the process with the view of achieving an acceptable outcome for all concerned.

5.0 APPROACH AND METHOD

The Association will ensure that any grievance raised by an employee is dealt with in a fair and consistent manner and will be implemented using the following approaches:

5.1 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.

5.2 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.

Stage 1

You should first raise your grievance with your line manager and complete the grievance form (appendix 1) which should be submitted to your line manager, providing sufficient details of your grievance and what you consider to be a resolution of your grievance.

Upon receipt of your grievance form, your line manager will:

- Respond in writing.
- Convene a hearing for the purpose of dealing with the grievance, normally within five working days, or later subject of mutual agreement.
- Your line manager's reply will confirm the right for the employee to be represented at the grievance hearing. The representative must be a work colleague or trade union representative.
- The line manager's reply will specify a deadline by which the employee must submit any documents they wish to have considered in support of their grievance. This deadline will be at least a week prior to the hearing date, in order to facilitate dissemination to all parties.

At the meeting, the employee or their chosen representative shall have the right to make any relevant submission in order to clarify their grievance.

On conclusion of the meeting the manager will attempt to reach a decision and should that not be possible, the manager will adjourn the meeting in order to carry out further investigation or consider the matter.

The decision

The decision will be conveyed orally and confirmed in writing. The letter confirming the decision should include both the details of the decision and any reasons underlying the decision. This letter will also indicate the process for referral to the next stage, should the employee remain aggrieved.

The outcome

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.

Stage 2

In the first instance, you should ask for a meeting with a more senior manager. They will hold a meeting within 10 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.

Stage 3

If you are still not satisfied, you should present the grievance in writing to the Convenor of the staffing sub-committee or equivalent. The chair will then arrange a meeting of the representatives of the Board of Management within 10 working days. The Convenor 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 5 working days of date of meeting.

APPEALS

When lodging an appeal against stage 1 or stage 2, employees must state their grounds of appeal. The employee must appeal within five working days of receipt of the grievance outcome addressed to the authorised person/s (Appendix 2)

Appeals from the decision of the representatives of the Board of Management will be to the JNC Appeals Panel.

A hearing will be convened within 20 working days, where possible. After hearing the grievance, The JNC Appeals Chair will give its decision in writing to both you and your Trade Union within 5 working days of date of hearing.

This is the final stage of the internal appeal process.

5.3 JNC APPEALS

The JNC Appeals Chair is the final stage of the internal disciplinary and grievance procedure. The Secretary to the JNC Appeal will send you a copy of these 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 of management, there will only be one appeal to the JNC making the process two stages only.

5.4 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.

5.5 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. Muirhouse 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.

5.6 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).

5.7 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.

6.0 BREACHES OF THIS POLICY

6.1 Any alleged breach of this policy should be reported to the Chief Executive immediately and this will be dealt with accordingly. Any breach regarding the Chief Executive should be reported to the Chair of the Staffing Sub Committee who will deal with accordingly.

6.2 Any case involving such breaches will be subject to investigation. The outcome will be reported to the Board of Management which will decide what action should be taken.

7.0 MONITORING AND PERFORMANCE MEASUREMENT REPORTING

7.1 The following areas also will be subject to monitoring and evaluation:

- Risks
- Impacts and outcomes
- Financial and regulatory implications
- Compliance with policy requirements and procedures

These will be actively monitored by the Chief Executive and Finance and Corporate Services Manager.

- 7.2 Any matter which demonstrates a serious failure of internal controls should also be reported immediately to the Chair of the Board.

8.0 COMPLAINTS AND APPEALS

This policy sets out Muirhouse Housing Association's Policy on Grievances; however anyone wishing to make a complaint about the policy can do so through our Complaints Handling Procedure, which is available from the Association.

9.0 POLICY AVAILABILTY

This Policy will be provided to staff on commencement of employment a made available.

10.0 REVIEW

- 10.1 This policy will be reviewed every 3 years.
- 10.2 An interim review may take place in the event of changes to good practice, or legal requirements.

Appendix 1

Grievance Form

CONFIDENTIAL To Addressee Only

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

Signed

Signature	
Date	

Appendix 2

Authority to hear Grievances

	Action to be taken by	Appeal to be heard by
Stage 1	Line Manager	CEO
Stage 2	CEO	Staffing Sub Committee
Stage 3	Staff Sub Committee	JNC Panel

If the Grievance is relating to the Chief Executive the authority to hear Grievance is detailed below:

	Action to be taken by	Appeal to be heard by
Stage 1	Staffing Sub Committee	Chairperson and 2 other members not on staffing sub-committee
Stage 2	Chairperson and 2 other members not on staffing sub-committee	JNC Panel
Stage 3		

Where deemed appropriate an external representative may be invited to assist with the process this could include a Chief Executive/Senior staff member of another organisation, employment solicitor etc.