

PER17	ADOPTED: 1.10.97	REVIEWED: 22.10.01; 25.10.04; 31.10.07; 24.11.10; 28.9.12; 27.11.13; 26.10.16;
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## GRIEVANCE POLICY

### 1.0 INTRODUCTION

1.1 Prospect Community Housing recognises the importance of implementing and monitoring an effective grievance policy and procedure to enable a member of staff to raise a grievance concerning their employment and to ensure the fair and consistent treatment.

1.2 This policy complies with the current Code of Practice on Disciplinary and Grievance Procedures issued by the Advisory, Conciliation and Arbitration Service (ACAS) in 2015. The key principles are:

- the procedure is designed to establish the facts quickly and deal consistently with grievance issues;
- the levels of management who can hear different stages of a grievance;
- grievance matters will be fully investigated to establish the facts of the case;
- no action will be taken until the matter has been fully investigated and the member of staff has been given an opportunity to state their case;
- the member of staff has the right to be accompanied and be represented, if they wish, at every stage of the formal grievance procedure by a work colleague or a trade union representative, so long as the presence of the companion will not prejudice the hearing or result in a conflict of interest;
- a member of staff will have the right to appeal against any formal decision made;
- the member of staff will be informed in writing what action will be taken to resolve the grievance, and the procedure for submitting an appeal;
- written communications will be sent to the member of staff's home address;
- details of grievances, the action taken and any subsequent developments will be kept on the individual's personnel record.

1.3 A member of staff may raise a grievance under one of two headings. The first is for general employment matters and may be initiated either by an individual or by a group of staff sharing the same grievance.

The second covers 'sensitive' issues such as alleged sexual or racial harassment, will normally be initiated by an individual, and complements our Dignity at Work policy.

1.4 In both cases there are two stages, or levels, at which grievances will be heard (see Appendix 1).

- 1.5 A grievance is separate from an appeal and is not to be followed when submitting an appeal against disciplinary action.
- 1.6 Where the grievance concerns a change to working arrangements, the 'status quo', i.e. the arrangements in force just before the change was proposed or implemented, will apply while the grievance is being dealt with. The only exception to this is where maintaining the 'status quo' would result in a breach of statutory or other mandatory regulations.
- 1.7 In implementing this policy and procedure we will ensure that we comply with our Equality and Diversity policy, in particular where any specific arrangements are required for those with a disability.

## **2.0 INFORMAL ACTION**

- 2.1 Whenever possible, members of staff and managers are encouraged to raise and resolve grievances informally, as part of their day-to-day contact. Where it is not possible to do so, or where the informal approach has been tried and has not resolved the issue, the grievance should be put in writing and the formal Grievance Procedure should be initiated.

## **3.0 FORMAL ACTION**

- 3.1 A grievance concerning a 'general' issue will cover such matters as terms and conditions of service, the working environment or working practices.
- 3.2 A grievance concerning a 'sensitive' issue will cover such matters as alleged sexual, racial or other forms of harassment, or other matters of a personal or very confidential nature. The principle is that the member of staff must have the opportunity to state their concerns and be confident that appropriate action will be taken when necessary, while maintaining the confidentiality of those involved until the investigations are complete and a decision reached.
- 3.3 The member of staff wishing to raise a sensitive issue may, if they wish, speak initially on a confidential basis to any colleague of their choice, or to an independent adviser (see the Dignity at Work policy).
- 3.4 If, after having raised the matter informally it has not been resolved within 5 working days, the member of staff, if they still wish to pursue the matter, should write to the appropriate Stage 1 person (see Appendix 1) stating the grounds of their grievance. For grievances concerning a 'sensitive' issue the member of staff should write in confidence, giving full details of the alleged incident(s), including date(s) and any witness(es), to the Manager, Director (or Chairperson if the complaint concerns the Director) of their choice.
- 3.5 On receipt of a written grievance the Manager, Director or Chairperson will immediately refer to the Grievance Procedure to ensure the matter is handled promptly and without undue delay.

## **5.0 APPEALS**

- 5.1 We recognise the importance of having an effective policy and procedure to enable a member of staff to appeal if they feel their grievance has not been satisfactorily resolved.
- 5.2 Our appeals procedures are based on the principles contained in the Acas Code of Practice on Disciplinary and Grievance procedures. The key principles are:

- the time limit within which an appeal should be lodged is specified;
- an appeal is dealt with speedily;
- an appeal is heard impartially and wherever possible by a manager or Committee member who has not previously been involved in the case;
- the member of staff has the right to be accompanied and be represented, if they wish, at every stage of the formal grievance procedure by a work colleague or a trade union representative, so long as the presence of the companion will not prejudice the hearing or result in a conflict of interest;
- the outcome of the appeal should be communicated to the member of staff in writing without unreasonable delay.

5.3 Appeals will be heard by the appropriate level of management as detailed in Appendix 1.

## **6.0 'MISCHIEVOUS' GRIEVANCE**

6.1 Where it is clear that a grievance raised by a member of staff is 'mischievous' and designed to cause difficulties, as opposed to being a genuine complaint, this will be regarded as a serious offence and the member of staff may be liable to disciplinary action.

6.2 Should a Committee Member raise a 'mischievous' grievance this will be considered as a breach of the Committee Members Code of Conduct and appropriate action will be considered by the full Management Committee as detailed in that Code. This may lead to a requirement that the Committee Member resigns.

## **7.0 EXTERNAL ADVICE**

7.1 Where required, to ensure this policy is implemented fairly and consistently, the manager or Committee member hearing a Stage 1 or a Stage 2 grievance may seek professional advice from an appropriate external organisation, such as Employers in Voluntary Housing (EVH).

## **8.0 IMPLEMENTATION AND REVIEW**

8.1 The Manager handling a grievance issue will ensure the reporting and recording requirements, as detailed in the Grievance Procedure, are followed.

8.2 The Director is responsible for ensuring that those with the authority to hear grievances apply this policy and the supporting procedure consistently.

8.3 The Director is responsible for ensuring that this policy is reviewed by the Management Committee at least every 3 years.

Reviewed by the Management Committee on 26 October 2016

Next review due by: October 2019



## GRIEVANCE PROCESS – GENERAL EMPLOYMENT ISSUES

Grievance Against	Grievance Raised with and Heard by (Stage 1)	Appeal Heard by (Stage 2)
Colleague (member of staff below Department Manager Grade)	Department Manager	Director
Department Manager	Director	Committee appeals group
Director	Chairperson and 1 other committee member (a member of staff may wish to consult informally with their Manager before writing to the Chairperson)	Committee appeals group
Chairperson	Director and 1 other office bearer	Committee appeals group
Other Committee Members	Director and Chairperson	Committee appeals group

**Notes:**

1. Grievances involving sensitive issues can be raised with and heard by any Manager, the Director or Chairperson. In this case any subsequent appeal would be heard by the Director or Committee appeals group as outlined in the above table.
2. The Committee Appeals Group, where required, will comprise of three Committee Members who have not previously been involved in the initial grievance hearing and should include at least one office bearer where possible. The Committee Appeals Group will decide on a chair who will decide on the outcome if there is not a consensus.

## PROSPECT EQUALITY IMPACT ASSESSMENT RECORD

<b>Title of policy/ practice/ strategy</b>	PER17 Grievance Policy	
<b>Department</b>	Corporate	
<b>Who is involved in the EQIA?</b>	Management Team/Julie Thynne	
<b>Type of policy/ practice/ strategy</b>	New <input type="checkbox"/>	Existing <input checked="" type="checkbox"/>
<b>Date completed</b>	12/10/16	

### Stage 1: Screening Record

#### *What is the main purpose of the policy?*

The policy provides details of the grievance policy to ensure fair and consistent treatment of all staff.

#### *Who will the policy benefit and how?*

The policy will benefit all members of staff, managers and Committee members by providing clear information on the grievance and appeals process.

#### *For each equality group, does or could the policy have a negative impact?*

Protected characteristic	Negative	Positive/no impact	Don't know
Age	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Disability	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Gender reassignment	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Marriage & civil partnership	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Pregnancy & maternity	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Race	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Religion or belief (including no belief)	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Sex	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Sexual orientation	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

If you answered negative or don't know to the above question you should consider doing a full EQIA.

#### *Are there any potential barriers to implementing the policy?*

The only potential barriers to implementation would be lack of knowledge by staff members, managers and Committee members. Staff members are provided with a copy of the policy should they raise any grievance. Managers and Committee members are provided with training as appropriate to their level of involvement in the process.

	<b>Yes</b>	<b>No</b>
<i>Is a full EQIA required?</i>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

#### *If you answered no to the above question explain why a full EQIA is not required:*

No impact on equalities identified:	<input type="checkbox"/>
Other:	

## Stage 2: Data and evidence gathering, involvement and consultation

Include here the results of your evidence gathering, including qualitative and quantitative data and the source of that information, whether national statistics, surveys or consultations with relevant equality groups.

Source	Qualitative evidence provided	Quantitative evidence provided	Which protected characteristics are covered?	Gaps identified/ action taken
Management information data		Annual staff and committee equalities data	Age, disability, gender, ethnicity. In some cases other protected characteristics	Membership data not collected. Implementation of Cx will assist with data collection.
Tenant satisfaction survey		Survey carried out in 2013	Age, disability, gender, ethnicity. In some cases other protected characteristics	Data becoming out of date. Implementation of Cx will assist with data collection.
Committee, Equalities Working Group and Tenants Forum minutes	Equality related issues identified and discussed		Various	
Review of complaints received	Tenant/service user experience	Statistical data on types of complaint	All protected characteristics	Implementation of Cx will assist with data collection and analysis of protected characteristics
Observations/conversations (anecdotal)	Staff/committee/tenant/service user levels of understanding, inclusive practice		All protected characteristics	
Edinburgh Census 2011		Statistical data	Age disability, gender, ethnicity, marital status, religion or belief.	Data becoming out of date.
SHR Annual Return on Charter data		Statistical data on staff, committee and tenant profile for RSLs	Disability, ethnicity.	
Personnel records		Statistical data on grievances raised	All protected characteristics	

### Stage 3: Assessing the impacts

**How might the policy impact on people who share protected characteristics?** Include both positive and negative impacts.

Protected Characteristic	Description of Impact
Age	Younger workers may be less aware/confident about raising grievances. Through regular work review meetings Managers will be able to provide support and guidance to individuals.
Disability	Grievance procedures may exacerbate mental health issues. People with existing mental health issues may already have difficulties with personal resilience and this may add to anxieties around raising a grievance. Through regular work review meetings Managers will be able to provide support and guidance. Staff members can also access confidential advice and counselling through the Employee Assistance Programme. This is offered to alleviate additional stress arising from the grievance process for those raising a grievance and those subject to the grievance.
Gender reassignment	Individuals from this group can be more susceptible to victimisation from other staff and may therefore feel less able to raise a grievance. Through regular work review meetings Managers will be able to provide support and guidance. Staff members can also access confidential advice and counselling through the Employee Assistance Programme.
Marriage & civil partnership	No impact identified.
Pregnancy & maternity	There could potentially be issues around raising concerns for women who are pregnant or on maternity leave. This could be due to personal stress and vulnerabilities caused by the pregnancy or because of time away from the workplace. Through regular work review meetings Managers will be able to provide support and guidance. Staff members can also access confidential advice and counselling through the Employee Assistance Programme.
Race	No impact identified.
Religion or belief (including no belief)	No impact identified.
Sex	No impact identified.
Sexual orientation	Individuals from this group can be more susceptible to victimisation from other staff and may therefore feel less able to raise a grievance. Through regular work review meetings Managers will be able to provide support and guidance. Staff members can also access confidential advice and counselling through the Employee Assistance Programme.

#### **How does the policy promote equality of opportunity?**

The policy will promote equality of opportunity by providing a clear framework for all grievance matters to be handled in a fair and consistent way, regardless of any protected characteristic.

#### **How does the policy promote good relations?**

The policy aims to promote good relations by providing an informal process to resolve grievances.



## Stage 4: Decision making and monitoring

### *Identifying and establishing any required mitigating action*

If, following the impact analysis, you think you have identified any unlawful discrimination – direct or indirect - you must consider and set out what action will be undertaken to mitigate the negative impact.

Does the assessment show a potential for differential impact on any group(s)?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
Is there potential for unlawful direct or indirect discrimination?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No

### *What arrangements could be implemented to reduce or mitigate any potential adverse or negative impacts identified?*

Managers hold regular work review meetings and annual appraisals with staff, providing an opportunity to discuss any issues. Independent confidential advice and counselling is available to all members of staff.

### *Describing how Equality Impact analysis has shaped the policy making process*

No changes have been made to the policy as a result of the equality impact assessment. Training for Managers and Committee members will be arranged as necessary.

### *Monitoring and Review*

This policy and its Equality Impact Assessment will be monitored and reviewed after three years.

## Stage 5 - Authorisation of EQIA

Please confirm that:

- ◆ This Equality Impact Assessment has informed the development of this policy:

Yes  No

- ◆ Opportunities to promote equality in respect of age, disability, sex, pregnancy and maternity, gender reassignment, sexual orientation, race and religion or belief have been considered, i.e.:
  - Eliminating unlawful discrimination, harassment, victimisation;
  - Removing or minimising any barriers and/or disadvantages;
  - Taking steps which assist with promoting equality and meeting people's different needs;
  - Encouraging participation (e.g. in public life)
  - Fostering good relations, tackling prejudice and promoting understanding.

Yes  No

### Declaration

I am satisfied with the equality impact assessment that has been undertaken for Grievance policy.

Name: **Brendan Fowler**

Position: **Director**

Authorisation date: **12/10/16**