



GRIEVANCE Policy

HR.02 – January 2021

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Related Documents

- Code of Conduct
- Dignity at Work
- Equality and Diversity
- Disciplinary

Translation Statement

If you have any difficulties reading this information or need further help understanding our processes please contact us. We can make this document available in a variety of formats. All you need to do is let us know what you need and we will try to assist.

Compliance

This policy has been drafted to ensure that it complies with current legislation and industry good practice.

Equality & Diversity

Fyne Homes is committed to providing services which embrace diversity and which promote equality of opportunity. As an employer we are also committed to equality and diversity within our workforce. Our goal is to ensure that these commitments, reinforced by our Values, are embedded in our day-to-day working practices.

Openness & Confidentiality

Fyne Homes believes that its members, tenants and other interested parties should have access to information on how it conducts itself. This means that unless information requested is considered commercially sensitive or personally confidential it will be made available on request.

Data Protection

Fyne Homes recognises the importance of data protection legislation, including the General Data Protection Regulation, in protecting the rights of individuals in relation to personal information that we may handle and use about them, whether on computer or in paper format. We will ensure that our practices in the handling and use of personal information during the processes and procedures outlined in this policy comply fully with data protection legislation. More information is available from our Data Protection Officer.

1. Introduction

- 1.1. Grievances are concerns, problems or complaints you may have with regard to your employment with Fyne Homes, 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.
- 1.3. 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.
- 1.4. 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.
- 1.5. This policy provides the details of both the informal and formal processes.
- 1.6. Fyne Homes is an affiliate member of EVH. Therefore, this policy is adapted from EVH's policy and procedure and *excludes* the provision of an appeal to JNC which is provided for full members of EVH.
- 1.7. This policy applies to all staff within Fyne Homes.

2. Aim

- 2.1. To provide a mechanism for addressing staff concerns in a fair and consistent manner.
- 2.2. To make sure Fyne Homes complies with its responsibilities within employment law and best practice.

3. Links to vision and strategic priorities

- 3.1. This policy aims to fulfil the needs of the Association's Strategic Priorities, in particular: Meeting the needs and aspirations of our customers and respecting our customers, staff and committee and approaching our business and activities with openness and integrity.

4. Legal framework

- 4.1. The most important legislation in Great Britain governing discipline and grievances at work includes the Employment Act 2008.
- 4.2. Following the ACAS Code of Practice: Disciplinary and Grievance Procedures is crucially important for employers; an employment tribunal will consider whether or not the employer and employee has followed the Code; if they haven't, the tribunal may adjust any awards made by up to 25% for unreasonable failure to comply.

5. Managing and Reporting

- 5.1. Complaints raised under this policy will be tracked and monitored by Human Resources and reported to the Staffing Committee on a quarterly basis.

6. Principles –Fyne Homes will:

- 6.1. Listen to any concerns you raise either informally or formally and in line with the procedures set out below.
- 6.2. Investigate your concerns, as we deem appropriate.

- 6.3. Provide you with the opportunity for a maximum of two appeals as part of the formal process.

7. Principles – Fyne Homes expects that you will:

- 7.1. Raise any concerns you have promptly, while following the correct procedure.
- 7.2. Use the informal process in the first instance (where appropriate) and only use the formal process where it is necessary.
- 7.3. Let us know what your concerns are and how you would like to see them resolved.
- 7.4. Complete Fyne Homes' grievance form and pass this to the appropriate manager.
- 7.5. Co-operate and participate as required in any investigations we see fit.
- 7.6. Start the process with the view of achieving an acceptable outcome for all concerned.

8. Informal Process

- 8.1. We encourage all staff to raise any concerns with their line manager.
- 8.2. 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.

9. Formal Process

9.1. The following rules apply for the formal grievance process:

- 9.1.1. If you wish to raise a formal grievance, you must complete the grievance form (appendix 1 at the end of this policy).
- 9.1.2. If you do not complete the form and give it to the appropriate manager, we will not treat your complaint as a formal grievance.
- 9.1.3. At all stages of the formal process you will have the right to be accompanied by a trade union representative or a workplace colleague.
- 9.1.4. 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.
- 9.1.5. 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.
- 9.1.6. If your concerns relate to or involve a manager, your complaint will be dealt with at the level above the manager involved.

10. Stage 1

- 10.1. If you have not been able to resolve the matter informally, you should raise the matter, in writing, using the grievance form and give this to your line manager unless your complaint is about your line manager.
- 10.2. In that case, your complaint will be dealt with at the level above the manager involved. We will write and invite you to a meeting within 7 calendar days where possible.

- 10.3. At the meeting, we will hear your concerns and ask what your proposed solution is.
- 10.4. We will write to you within 7 days with the outcome, and details of how to appeal the decision if you are unhappy with it.

11. Stage 2 – Appeal

- 11.1. Where you feel that your grievance has not been satisfactorily resolved during Stage 1, you can appeal the outcome by proceeding to Stage 2 of the process.
- 11.2. You should submit your appeal in writing to outline the reason for your appeal without unreasonable delay.
- 11.3. We will write to you and invite you to a meeting within 7 days of receipt of your appeal where possible.
- 11.4. The appeal will be heard by the next level above the manager that made the original decision or a manager who was not previously involved in the case.
- 11.5. Fyne Homes reserves the right to appoint a suitably qualified, external person if appropriate due to the complexity of the appeal, seniority of the appellant or if there is no manager of suitable seniority available to hear the appeal.
- 11.6. Your concerns will be heard at this meeting and you will be asked what your proposed solution is.
- 11.7. The outcome of the appeal will be communicated to you in writing within 7 days from when the meeting was held. A decision made at this level will be final.

12. Outcome

- 12.1. After we have heard your concerns at the grievance hearing, an appropriate investigation will take place based on the information you have provided.
- 12.2. We will write to you with our findings once we complete our investigation.
- 12.3. The outcome of your complaint will be one of the following:
 - 12.3.1. Your concerns have been upheld
 - 12.3.2. Some of your concerns have been upheld, and others have not.
 - 12.3.3. Your concerns have not been upheld.
- 12.4. 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.
- 12.5. Fyne Homes 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.
- 12.6. If we take action against one of your colleagues because of your complaint, we will not inform you of this under any circumstances.

13. Grievances raised after your employment has ended

- 13.1. If you raise a grievance after your employment has ended, we will consider it and respond to you in writing (without holding a meeting).

14. Collective grievances

- 14.1. 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.
- 14.2. If the issue is not resolved after going through the internal procedure, either you or we may refer the matter to ACAS conciliation.

15. General Data Protection Regulations:

- 15.1 The organisation will treat your personal data in line with our obligations under the current data protection regulations and our own [insert name of policy or procedure]. Information regarding how your data will be used and the basis for processing your data is provided in Fyne Homes’ employee privacy notice.

16. Reviewing process

- 16.1. This policy will be reviewed in line with the respective current Fyne Homes’ policies, and/or where a change in legislation arises.
- 16.2. If there is a procedural delay in the policy revision then the relevant legislation in force at the time will prevail.

Version number	Revision Date	Part of doc revised	Reason for revision	Approved by
9	Nov 2017	All	Ref to ACAS Code & new format	ManComm
10	Aug 2018	Foreword	GDPR statement	DPO
11	Jan 2021	All	3 yearly review	ManComm

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).

1.1 Section 1 – About you

Name	
Job Title	
Department/Section	
Manager	

1.2 Section 2 – What is your complaint?

1.3 Section 3 – Please provide brief details of the outcome you would like considered

Signature	
Date	