



Grievance Policy

Approval date May 2019
Review date May 2022

This policy applies to

- | | | | |
|--|--|---|---|
| <input checked="" type="checkbox"/> Link Group | <input checked="" type="checkbox"/> Link Housing | <input checked="" type="checkbox"/> Link Living | <input checked="" type="checkbox"/> Link Property |
| <input type="checkbox"/> Horizon | <input type="checkbox"/> Larkfield | <input type="checkbox"/> West Highland | <input checked="" type="checkbox"/> Lintel Trust |

Policy Summary

The aim of the Grievance Policy is to set out how employees can seek to resolve problems or concerns about work, working conditions or relationships with colleagues. Where concerns relate to unacceptable behaviour, discrimination, bullying, harassment or victimisation, the Grievance Policy should be read in conjunction with the Dignity at Work Policy.

Equalities

This Policy will be applied in accordance with Link Group's Policy on Equality, Diversity and Inclusion, as well as the Equality Act 2010. An Equality Impact Assessment was undertaken to review this updated policy, and no adverse impacts to individuals with protected characteristics were identified. If an adverse impact is identified, upon implementation of the policy, an adjustment will be made and the policy reviewed accordingly.

Privacy

Link processes personal data collected during informal complaints and the formal grievance procedure in accordance with its data protection policy. In particular, data collected as part of informal complaints and the grievance procedure is held securely and accessed by, and disclosed to, individuals only for the purposes of responding to the complaints or conducting the grievance procedure. Inappropriate access or disclosure of employee data constitutes a data breach and should be reported in accordance with Link's data protection policy immediately. It may also constitute a disciplinary offence, which will be dealt with under the Link's disciplinary procedure.

Policy Owner

Director of Human
Resources and Business
Support

Review Manager

Approved By

Senior Management
Group

Revision History

Date	Version Number	Comments

1. INTRODUCTION

Link recognises that employees may have issues or concerns about their work, the environment or working relationships that they may wish to raise and have addressed.

Employees are encouraged to raise any concern, in the first instance, with their line manager in an attempt to resolve the matter informally, as many problems can be settled through everyday working relationships. Should this course of action prove to be unsatisfactory, however, then an employee may raise a formal grievance.

This Policy and the procedures contained herein are intended to reflect best practice and statutory requirements. Link's grievance procedures reflect statutory requirements and guidance as contained in Schedule 2 of the Employment Act 2008 and the ACAS Code of Practice on disciplinary and grievance procedures.

This Grievance Policy does not apply to workers, workers have a separate Grievance Policy.

2. PRINCIPLES

The following principles govern the operation of this policy:

- be clear and understood by all employees
- be fair, equitable and non-discriminatory
- reflect the needs of our diverse organisation
- reflect statutory requirements
- guide best practice and support employees in accordance with Link's values

3. OBJECTIVES

The objectives of this policy are:

1. To ensure that employees who have concerns about the way they have been treated, either by management or by their colleagues, are given the opportunity to express their views.
2. To resolve informally and swiftly, where possible, concerns that employees may have.
3. To seek mutually acceptable resolutions.
4. To signpost colleagues involved in a grievance to appropriate sources of support.

4. APPROACH AND METHOD

The Link Group Board in its formal approval of the policy acknowledges that it accepts full responsibility for its implementation. Day-to-day responsibility for the operation of this policy lies with the appropriate directors and managers of the Link

group of companies. All relevant employees have a responsibility to ensure that this policy is applied as instructed.

The policy will be implemented using the following approaches:

4.1 Definition of a Grievance

A grievance is defined as a concern, complaint, or problem raised by an employee relating to an area of their employment, that they wish to raise with the organisation.

Issues that may cause grievances include:

- terms and conditions of employment
- health and safety
- new working practices
- working environment
- organisational change
- work relations
- discrimination
- bullying, harassment or victimisation

Individuals who consider that they are experiencing unwanted behaviour, bullying, harassment or victimisation must also refer to the Dignity at Work Policy which sets out useful information and sources of support. This can be found on the company intranet.

Disclosures in the public interest - commonly referred to as "whistleblowing" should be raised through the Link's Staff Concerns Panel. Whistleblowing is the term used when an employee passes on information concerning wrongdoing which is in the public interest to expose. Examples could involve illegal or unethical practices. This means in particular that personal grievances and complaints are not usually covered by whistleblowing law

Disciplinary and grievance processes are usually separate matters. If the employee wishes to complain about disciplinary proceedings or action taken against him/her, the appropriate route is to raise this at the disciplinary hearing or appeal (as appropriate) under the Disciplinary Procedure rather than to take out a grievance. Where an employee raises a grievance during a disciplinary process, the facts will be considered in order to decide on the timing of hearing the grievance.

Complaints that amount to an allegation of misconduct on the part of another employee will be investigated and dealt with under the disciplinary procedure.

A Grievance Process Flowchart is appended to this policy for guidance (Appendix A).

4.2 Informal Stage

As a preliminary to any formal grievance procedure, the employee and their line manager should meet and take all possible steps to resolve the problem informally, as this will often resolve the issue(s) both satisfactorily and quickly.

Both line manager and employee will agree and record any action resulting from this meeting. The employee does not have the right to be accompanied at this stage of the process. Should this course of action prove to be unsatisfactory then the employee may wish to raise a formal grievance.

Where the grievance relates to the line manager of the employee, it may be the best approach to speak to the line manager directly. If the employee feels it would be inappropriate to raise the matter with their immediate manager as it relates to their behaviour, they should raise the concern with the next manager in the structure. Or, if that is not appropriate, to contact HR. Further information on how to approach the informal stage is contained within the Dignity at Work Policy.

An overview of support to assist with resolving a concern is provided at section 4.12 and 4.13.

4.3 Mediation

It may be appropriate for the matter to be dealt with by way of mediation, depending on the nature of the grievance. This would involve the appointment of a mediator, who will be identified following discussion with Human Resources. The mediator will discuss the issues raised in the grievance with all of the parties involved and seek to facilitate a resolution. Mediation will only be used where all parties in the grievance agree. An internal or external mediator will be sourced by Human Resources.

Mediation can be especially beneficial in problems associated with working relationships. Fuller information is available in the Dignity at Work Policy and on Link's Intranet.

4.4 Staff Concerns Panel

Employees may wish to discuss their grievance with a member of the Staff Concerns Panel who will be able to offer support and guidance. Further information about this is available on Link's intranet

Formal Stage – Raising a Grievance

If an employee is not satisfied that their complaint has been resolved by informal methods they may raise a formal grievance in writing to their line manager using the form at Appendix B.

If the employee feels it would be inappropriate to raise the matter with their immediate manager because it relates to their manager's actions, decisions, approach or behaviour, they should raise the concern with the next line manager in the structure. If the employee has a concern about this, they should contact their HR Business Partner or another member of the HR Team. Another appropriate manager

may be appointed by HR as appropriate to the circumstances and/or resources available.

A formal grievance should clearly set out the matter of concern focusing on the facts - with references (where relevant and possible) to dates, times and places - and, the desired outcome or solution. The statement should also outline what attempts have been taken to resolve the issue and why they have proved unsuccessful. If relevant the names of any witness(es) to the incident(s) should also be included.

Managers are responsible for responding to formal grievances. Managers should contact HR upon receipt of a formal grievance and seek advice from HR at all stages of the formal process. The HR contact will participate in all formal meetings, hearings and appeals. The HR contact will be responsible for issuing and keeping confidential all records of the proceedings.

Please refer to section 4.11 for arrangements for a director or chief executive to raise a grievance.

4.6 Arranging the Grievance Meeting

The manager hearing the grievance will arrange a formal grievance meeting as soon as possible and where practicable, in line with the timescales noted below. An acknowledgment with confirmation of arrangements for a grievance meeting will be advised in writing, normally within three working days of receipt of the employee's grievance. The aim is to hold a meeting within 8 working days of receipt of the grievance. This timescale may be extended in order to arrange appropriate management representation. The employee must take all reasonable steps to attend. Where the employee fails to attend the original or a rearranged meeting, a decision on the grievance may be taken without the benefit of the meeting and based on the written grievance the employee submitted.

Depending on the circumstances, it may be necessary for an investigation to be undertaken before a formal grievance meeting is arranged. Depending on the issue it may be a simple step of obtaining relevant information from company records or it may include exploring the details of the complaint with the complainant and/or other employees. The manager hearing the grievance and HR will determine who will investigate. If any evidence is gathered in the course of these investigations, a copy will be provided in advance of the hearing.

If a manager feels that they do not have the authority to deal with a formal grievance, they must refer this to HR for clarification and another manager may be appointed.

The appropriate Human Resources contact will participate in all stages of the formal Grievance process.

4.7 The Grievance Meeting

After introductions, the complainant (or his/her companion) will have the opportunity to outline the grievance and state how they would like it to be resolved.

The manager will consider the employee's grievance, taking all circumstances into account and where appropriate, undertake any necessary investigations and/or simply speaking to other relevant people to check records and clarify facts.

4.8 Decision and Outcome

After the hearing and having considered or undertaken any necessary investigation, the manager will decide the outcome of the grievance, including whether all or part of the complaint was upheld, the reasons for this, and recommend what action, if any, needs to be taken for redress of the grievance.

The HR contact will notify the employee of the manager's decision, in writing, normally within 10 working days including any proposed action.

The employee will be informed of their right of appeal.

Where there is a respondent - normally, this is only relevant in grievances involving working relationships, bullying, harassment or victimisation – they will also be advised of the outcome within the same timescale.

4.9 Right of Appeal

If the employee is not satisfied with the outcome of the grievance meeting, they have the right of appeal which should be made within three working days to the contact noted in the grievance outcome letter.

The appeal should be made in writing and clearly state the grounds of appeal, i.e. the basis on which it is felt the result of the grievance was wrong, or that the action taken as a result was inappropriate. It should also include how the matter might be resolved.

An appeal manager will be appointed and normally arrange a grievance appeal meeting within five working days of receipt of the notice of appeal. The employee must take all reasonable steps to attend. The appeal manager will consider the employee's grievance, taking all circumstances into account and where appropriate speaking to other relevant people. The appeal manager will inform the employee of their decision, in writing, normally within ten working days including any proposed action. The appeal manager's decision will be final.

For Directors/Chief Executive appeals, please refer to section 4.11

4.10 Right to be Accompanied

Employees have the right to be accompanied by a companion at all stages of the formal grievance process. Before any hearing, the employee will notify the HR contact of the name, status and contact details of their companion .

A companion will be either another Link employee or a full-time official of a trade union or a lay trade union official, so long as they have been reasonably certified in

writing by their union as having experience of, or as having received training in, acting as a worker's companion at grievance meetings.

Where possible, the companion will be consulted about a suitable date and time for the hearing. If the companion cannot attend on the proposed date, the employee can suggest an alternative suitable date so long as it is reasonable and it is not more than five working days after the original date.

Where an employee has a disability, an alternative companion, other than those noted above, may be approved to accompany an employee at a grievance meeting. The employee must make a request to the nominated HR representative before the formal meeting and have approval that, as a reasonable adjustment, the suggested companion is acceptable.

In all cases, the companion should not be someone who may have a conflict of interest or who may prejudice the hearing. As these are internal proceedings, it would not normally be acceptable for legal representation at grievance hearings.

4.11 Witnesses

It may be relevant for witnesses to attend the hearing. This is more likely to be relevant, but not limited to, consideration of a dignity at work complaint under the grievance procedure. The parties should inform the HR contact in writing of the names of any witnesses they would like to call with brief reasons for each request at least three working days in advance of the hearing. Each party is responsible for the provision of any written statements or documentary evidence if this has not already been provided as part of the Grievance or any subsequent investigation. Written documents should be submitted to the HR contact at least three working days in advance of the hearing unless agreed otherwise by both parties. Employees are advised that written submissions should be clear and concise in order that the key points to be addressed can be clearly identified.

The manager hearing the grievance, and/or the HR contact is entitled to query the purpose of any witness being called and has the right to limit the number of witnesses called, where they reasonably believe there will be no additional insight gained. The HR contact will notify any requested witnesses of the date/venue of the Hearing and refer them to a copy of this grievance policy. Witnesses are protected by law against victimisation should they wish to attend a hearing and support a colleague.

4.12 Collective Grievances

A collective grievance is a grievance brought by a group of employees (i.e. 2 or more). Employees can submit the same grievance, at the same time and request that all grievances be heard at the same time.

The complaint should be headed "Formal collective grievance" and sent to a line manager. The grievance can be submitted on one document, but it must:

- identify all employees who wish to raise the grievance;

- identify any nominated trade union representative or colleague to represent all employees;
- state that all have voluntarily consented to use the collective grievance procedure; and
- confirm that all understand that the grievance will give each employee the right to only one collective grievance meeting, one outcome and (if applicable) one appeal meeting and one appeal outcome.

If the complaint relates to the way in which an employee believes their manager is treating them, the complaint may be sent to the next manager in the structure or to HR.

All employees raising the collective grievance must agree (without any pressure being exerted) to do this. All employees will be entitled to only one grievance hearing and (if applicable) one appeal hearing. All will be notified individually of the outcome at each stage of the process. If employees do not entirely voluntarily agree to this arrangement or if grievances are not identical, the organisation will arrange to hear grievances using the organisation's grievance procedure on an individual basis.

If all employees are members of the same trade union, the trade union representative can (if all wish him or her to do so) raise the grievance on their behalf. Alternatively, employees can agree to nominate one of the group to act on behalf of all. If there is no one nominated representative, all employees will be entitled to address concerns individually at the grievance hearing, but there will be no additional right to be accompanied beyond having your colleagues present. If an employee wishes to be represented by a trade union representative on an individual basis, the organisation will arrange to hear the grievances individually.

4.13 Grievance Procedure for the Chief Executive and Directors

Directors and the Chief Executive may raise a formal grievance with the Chair or appointee following the procedures set out in 4.5 above. If the matter is not resolved to the Director or Chief Executive's satisfaction, they have the right of appeal to an Appeals Committee (consisting of three other board members) following the procedures set out in 4.9 above. Whilst every effort will be made to progress matters without delay, the involvement of senior managers and Board Members may lead to slightly longer timescales than those set out in this policy. The right is reserved to make use of independent advice and support where appropriate.

Representation at grievance hearings would be expected to comply with section 4.10 above.

4.14 Support when raising a concern informally or preparing a written grievance

Employees may find it difficult preparing to raise an issue informally or prepare a written statement detailing their grievance and how it might be resolved. The Grievance Record Form should be used as a template to outline their grievance. Employees can also seek help and support from a colleague (who they should ask to maintain confidentiality), trade union representative or clarification from a member of the HR Team.

Managers who are seeking to resolve the employee concern may seek HR support at the informal stage and must do so at the formal stage.

4.15 Support during the Grievance Process

It is accepted that being involved in a grievance, as the person raising the concern, a witness or the person whom the grievance is against, is likely to be challenging. Link will aim to signpost colleagues in this situation to appropriate sources of support.

This may include:

- a colleague
- a member of the HR Team
- a line manager
- one of Link's trade union representatives
- access or referral to our confidential counselling and support service, which is available to all employees 24 hours/7 days per week
<https://healthassuredeap.co.uk>
- the Staff Concerns Panel [link to Linkipedia to be added]
- ACAS website and/or helpline
<http://www.acas.org.uk/index.aspx?articleid=1949> or 0300 123 1150

5. MONITORING OF THE POLICY

The following areas will be subject to monitoring:

- Risk management
- Provision of training and/ or information to staff
- Compliance with policy requirements and procedures

These will be monitored by appropriate managers within each company and/ or function, and reported to the relevant director. If any significant issues of concern arise, these will be dealt with by the director who will report such matters to his/ her Board.

Any matter which demonstrates a serious failure of internal controls should be reported immediately to the Chief Executive.

6. COMPLAINTS AND APPEALS

Link recognises that employees may have issues or concerns about their work, the environment or working relationships that they may wish to raise and have addressed. Employees are encouraged to raise a concern, in the first instance, with their line manager in an attempt to resolve the matter informally. Should this course of action prove unsatisfactory, however, then an employee may raise a formal grievance.

As this policy is designed to manage grievances and allows for an appeal stage which is regarded as being final, any further grievance would have to be based on new information or circumstances which were not part of the original grievance.

An employee who makes a complaint in good faith will not suffer any detriment even if the grievance is not substantiated. Where an employee raises a grievance that is frivolous or vexatious or any person involved gives deliberately misleading statements, they may be subject to disciplinary action.

7. POLICY AVAILABILITY

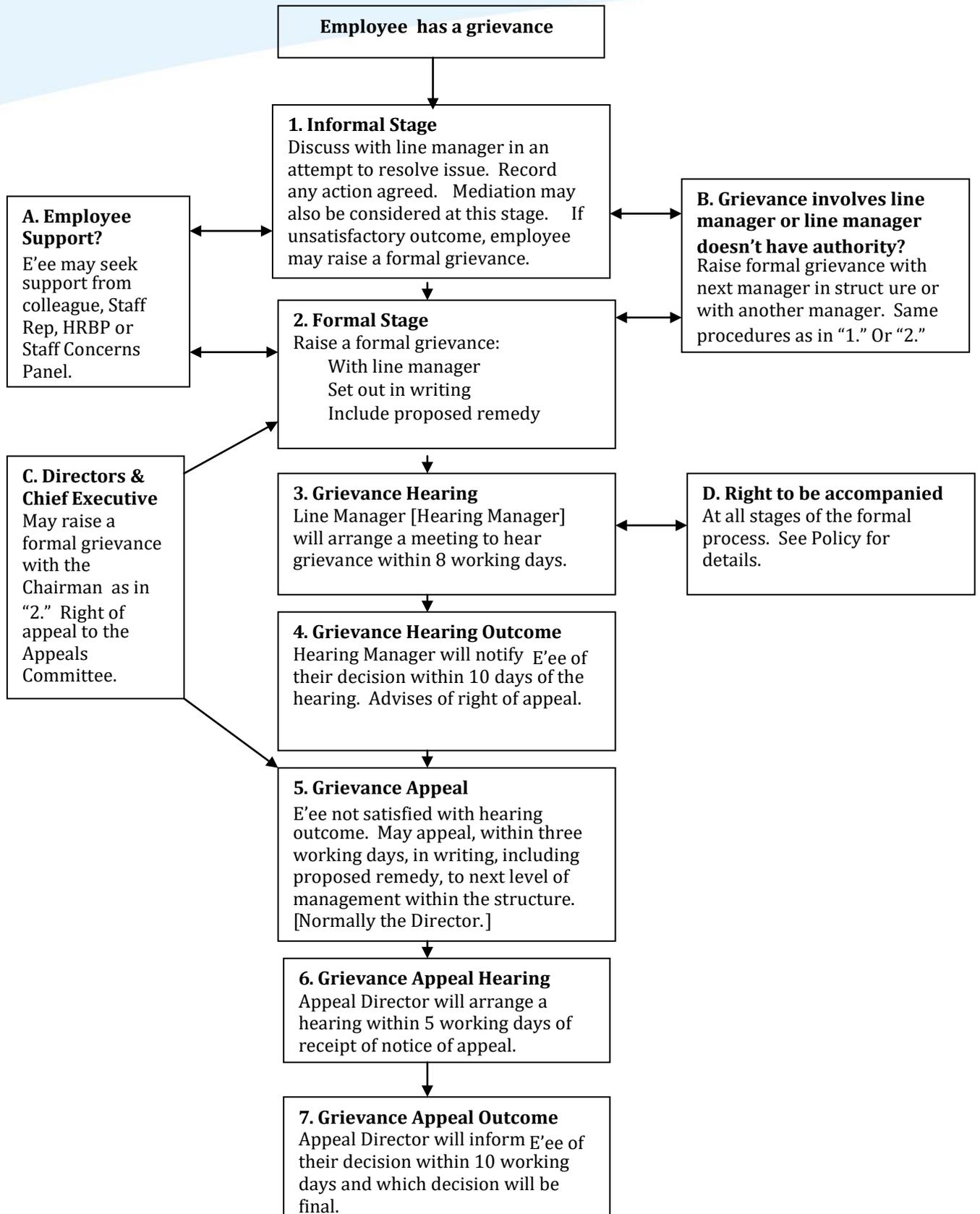
A summary of this policy can be made available in other languages and other formats on request.

8. POLICY REVIEW

Link Group undertakes to review this policy regularly, at least every three years, with regard to:

- Applicable legislation, rules, regulations and guidance
- Changes in the organisation
- Continued best practice

Appendix A – The Grievance Process Flowchart



Appendix B – Grievance Recording Form Formal grievance

Formal grievance

Employee's name:

Employee's job title:

Employee's department:

Date:

Does your grievance relate to your line manager? Yes/No

Summary of complaint:

Please set out the details of your complaint (providing as much detail as possible, particularly dates, times, locations and the identities of those involved). You may attach additional sheets if required.

Individuals involved in the alleged incident/complaint:

Please provide the names and contact details of any people involved in your complaint, including witnesses.

Outcome requested:

Please set out how you would like to see your complaint dealt with, and why and how you believe that this will resolve the issue.

Declaration:

I confirm that the above statements are true to the best of my knowledge, information and belief. I understand that making any false, malicious or untrue allegations may result in disciplinary action being taken against me by Link. (In the most serious cases, making false, malicious or untrue allegations can be treated as gross misconduct.)

Form completed by:

Signature:

Privacy Impact Assessment Screening Questions

Carrying out a Privacy Impact Assessment [PIA] will be useful to any project – large or small – that:

- Involves personal or sensitive data about individuals
- May affect our customers' reasonable expectations relating to privacy
- Involves information that may be used to identify or target individuals

Please tick the applicable statement(s) below. Will your project involve:

1. A substantial change to an existing policy, process or system that involves personal information Yes No
2. A new collection of personal information Yes No
3. A new way of collecting personal information (for example collecting it online) Yes No
4. A change in the way personal information is stored or secured Yes No
5. A change to how sensitive information is managed Yes No
6. Transferring personal information outside the EEA or using a third-party contractor Yes No
7. A decision to keep personal information for longer than you have previously Yes No
8. A new use or disclosure of personal information you already hold Yes No
9. A change of policy that results in people having less access to information you hold about them Yes No
10. Surveillance, tracking or monitoring of movements, behaviour or communications Yes No
11. Changes to your premises involving private spaces where clients or customers may disclose their personal information (reception areas, for example) Yes No

If you have answered 'Yes' to any of these points, please complete a full Privacy Impact Assessment. If you have answered 'No', you need take no further action in completing a Privacy Impact Assessment.

Equality Impact Assessment Screening Questions

Will the implementation of this policy have an impact on any of the following protected characteristics?

- | | | |
|-----------------------------------|------------------------------|--|
| 1. Age | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> No |
| 2. Disability | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> No |
| 3. Gender reassignment | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> No |
| 4. Marriage and Civil Partnership | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> No |
| 5. Pregnancy and Maternity | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> No |
| 6. Race | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> No |
| 7. Religion or belief | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> No |
| 8. Sex | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> No |
| 9. Sexual orientation | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> No |

If you have answered 'Yes' to any of these points, please complete a full Equality Impact Assessment. If you have answered 'No', you need take no further action in completing an Equality Impact Assessment.