

Policy & Procedure on Handling Serious Complaints against the Chief Executive

Prepared by	Corporate Services Director
Policy created	November 2018
Date of last review	8 November 2021
Date of current review	25 November 2024
Date of next review	November 2027
Reviewed by	Management Committee

Corporate Fit	Internal Management Plan	✓
	Risk Register	✓
	Business Plan	✓
	Equalities Strategy	✓
	Legislation	✓

Keep in touch

868 Tollcross Road | G32 8PF
0141 763 1317
info@tollcross-ha.org.uk
www.tollcross-ha.org.uk

Registered Scottish Charity No.SC040876 | Registered with the Scottish Housing Regulator No.197 | Registered Property Factor No.PF000261 | Registered Society under Co-operative and Community Benefit Societies Act 2014 No.1798RS

Alternative formats available



Happy to translate
Możemy przetłumaczyć
Раді перекладати
Ni Fahari kutafsiri
نحن سعداء لتقديم الترجمة
अनुवाद करके खुशी हुई
ਅਨੁਵਾਦ ਕਰਨ ਵਿੱਚ ਖੁਸ਼ੀ
乐意翻译

Our policies provide a framework to underpin our vision and values, to help us achieve our strategic objectives.

Our Vision

Local people, local control.

By providing quality homes and services, we will create stronger communities and a better quality of life for our customers.

Our Values

- Focused on the needs of our customers and communities.
- Supportive of our staff and Committee members.
- Responsible, efficient, and innovative.
- Open and accountable.
- Inclusive and respectful.
- Fair and trustworthy.

Strategic Direction

Consolidation and improvement: Applicable to our core business as a landlord & property manager.

Growth: Through the new build opportunities, we are taking forward.

Partnerships: Where this can help to address shared goals and increase capacity and value.

Resilience: A key priority across all parts of our business.

Strategic Objectives

Services: Deliver quality, value for money services that meet customers' needs

Homes & neighbourhoods: Provide quality homes and neighbourhoods.

Assets: Manage our assets well, by spending wisely.

Communities: Work with local partners to provide or enable services and activities that benefit local people and our communities as a whole

Our people: Offer a great workplace environment that produces a positive staff culture and highly engaged staff.

Leadership & Financial: Maintain good governance and a strong financial business plan, to ensure we have the capacity to achieve our goals.

Our Equalities and Human Rights Commitment

We understand that people perform better when they can be themselves and we are committed to making the Association an environment where employees, customers, and stakeholders can be open and supported. We promote equality, diversity, and inclusion in all our policies and procedures to ensure that everyone is treated equally and that they are treated fairly on in relation to the protected characteristics as outlined in the Equality Act 2010.

Privacy Statement

As data controller we will collect and process personal data relating to you. We will only collect personal information when we need this. The type of information we need from you will vary depending on our relationship with you. When we ask you for information, we will make it clear why we need it. We will also make it clear when you do not have to provide us with information and any consequences of not providing this. We are committed to being transparent about how we collect and use your data, and to meeting our data protection obligations with you. Further information about this commitment can be found within our full Privacy Statements.

Policy Scope & Review

For the purpose of this policy the term Association will include all members of the Tollcross Housing Association Limited. Therefore, all employees, governing body members, volunteers, customers and other relevant stakeholders will be expected to adhere to this policy and/or procedure. All policies and procedures are reviewed every 3 years in line with best practice and current legislation. The Association reserves the right to make additions or alterations to this policy and procedure from time to time. Any timescales set out in this policy may be extended where required.

Contents

Section		Pages
1.	Introduction	
2.	Regulatory Expectations	
3.	What Constitutes a Serious Complaint/Grievance?	
4.	Immediate Action Required upon Receipt	
5.	Who will hear the Complaint/Grievance?	
6.	Independent Advice and Support	
7.	Addressing the Complaint/Grievance	
8.	Post Investigation Actions (including appeals)	
9.	Policy review	

Appendices		Pages
1.	Equality & Human Rights Impact Assessment	
2.	Flow Chart	

1. Introduction

- 1.1 This policy and procedure supports the Scottish Housing Regulator (SHR) Guidance Note on Notifiable Events and the appendix to the Guidance Note specifically relating to handling a serious complaint or grievance, against the Chief Executive/Director of an RSL.
- 1.2 This policy and procedure follows the principles of Tollcross Housing Association's complaint and grievance procedures and sets out the processes to be followed by Tollcross Housing Association's Management Committee.
- 1.3 This policy and procedure is also consistent with Tollcross Housing Association's Standing Orders for Committee members, confirming that delegated authority is given for a panel of Management Committee members to form a sub-committee when required to consider complaints, grievance or disciplinary cases needing Committee involvement.

2. Regulatory Expectations

- 2.1 Registered Social Landlords (RSLs) are expected to:
 - Tell SHR in the event of receipt of a serious complaint or grievance about the Chief Executive.
 - Take prompt, independent and professional advice as appropriate to the event.
 - Put in place effective governance systems that set out clear procedures for dealing with such events and clarify the role of the governing body.
 - Be open and transparent about the decision-making processes.

4. What constitutes a serious complaint/grievance?

- 4.1 It is difficult to create a list of all the possible eventualities, but a few examples are noted below:
 - Allegations from an individual employee of bullying or harassment by the Chief Executive.
 - Inappropriate behaviour which may bring the Association into disrepute.
 - Allegations of fraud
 - Allegations of actions which would be a breach of the Association's regulatory obligations

5. Immediate action required on receipt

- 5.1 If a formal serious complaint or grievance is received concerning the Chief Executive, the Chairperson of Tollcross Housing Association Management Committee will be informed immediately. “Formal” normally means that the complaint has been submitted in writing. However, there may be occasions where a member of staff receives a verbal complaint. In this instance the complainant will be asked to confirm their complaint in writing to ensure the issues raised are clearly stated.
- 5.2 Tollcross Housing Association’s Chairperson will in turn inform the SHR of receipt of the complaint in accordance with the SHR guidance note and should aim to do this as soon as is reasonably practical. Please refer to the flow chart in the Appendix for reference to steps to be followed.
- 5.3 The Regulator will also be told what steps the Committee intends to take to handle the complaint, and the Regulator will be updated thereafter as required.
- 5.4 Acknowledgement of the complaint/grievance should be sent to the complainant as soon as is practical and the Chairperson will aim to do this within three working days.

6. Who will hear the complaint/grievance?

- 6.1 Tollcross Housing Association’s Chairperson would not be expected to deal with such matters alone. Therefore a Staffing Sub-Committee of Tollcross Housing Association’s Management Committee will be appointed by the Management Committee to handle the complaint. This Committee will have a membership of four and a quorum of three members. Members should be selected for their skills and experience in dealing with such matters as well as their impartiality, and ideally should not be involved in any other current or recent formal processes in relation to the complainant or the Chief Executive. One member will be designated by the Sub-Committee as Chair for the purposes of handling the complaint. Members of this Sub-Committee will then be responsible for hearing and deciding on any action from the complaint/grievance.
- 6.2 Due to the highly sensitive nature of complaints at this level, it is vital that confidentiality is observed and maintained throughout. The full Tollcross Housing Association Management Committee will be told that a complaint/grievance has been received and is being dealt with, but not about any of the detail. This is for a variety of reasons:

- Tollcross Housing Association's Management Committee retains control over the affairs of the organisation.
 - It ensures confidentiality for the Association's Chief Executive, and the complainant, as is their right.
 - Tollcross Housing Association's Management Committee members know that the complaint is being handled.
 - If independent help is required then the associated costs can be authorised.
 - Tollcross Housing Association's Management Committee members can monitor any emerging patterns of complaints or grievances and decide on an appropriate course of action.
 - If applicable (where the complaint is from a non-employee) any appeal can be heard by members of the Management Committee who do not have detailed knowledge about the issues.
- 6.3 Appeals against the decision of the Staffing Sub-Committee will be dealt with as set out at 9.1 below.
- 6.4 The Management Committee will be told about the outcome of the complaint/grievance at the end of the process.

7. Independent advice and support

- 7.1 Due to the sensitive nature of such situations, it would be inappropriate for any Association employees to advise on the investigation or handling of a complaint/grievance against the Association's Chief Executive. Access to independent advice must therefore be sought by the Staffing Sub-Committee.
- 7.2 Employee matters are complex and such advice will be sought from an employment law expert.
- 7.3 The Association Chairperson or the Staffing Sub-Committee Chairperson may ask Tollcross Housing Association's Corporate Services Director (or any other member of the Leadership Team) for information on possible sources of independent employment law advice. The Corporate Services Director will provide this information and if requested may also assist with administrative tasks, such as arranging meeting space.

- 7.4 The Staffing Sub-Committee should take legal advice as to whether any investigation of the complaint/grievance is required and, if so, whether it would be appropriate to appoint an external investigator. Straightforward matters may be investigated by the Sub-Committee itself, but for matters of a complex and/or particularly serious nature the Sub-Committee may commission an independent party to conduct the investigation. That party will conduct the investigation, interview the appropriate individuals, and prepare a factual report for the Sub-Committee, whose job it will be to decide whether the complaint/ grievance should be upheld or rejected, and to decide on any remedial steps to be taken.
- 7.5 External investigators should be appropriately qualified and independent. The Sub-Committee may wish to take legal advice as the availability of potential investigators and should record the reasons for their selection of a particular party.
- 7.6 Where an external investigation is being carried out, the Sub-Committee should oversee the investigation and where appropriate approve any steps being taken by the investigator.

8. Addressing the complaint/grievance

- 8.1 The process for addressing a complaint/grievance which the Sub-Committee must follow is set out below:
- a) Invite the complainant to an initial meeting with the Sub-Committee to enable further information about the grievance to be provided, what outcome the complainant seeks, and to explain what the Sub-Committee intends to do to progress the matter as well as the anticipated timescales. The complainant (if an employee of the Association) will be entitled to be accompanied at the meeting by a trade union representative or a fellow employee of their choosing. If the complainant is a third party, they will be entitled to be accompanied by a companion. Legal advisers will not be permitted to attend. The Sub-Committee may allow the complainant, if appropriate and on request from the complainant, to provide such further information by way of written submission rather than in a meeting. The complainant will be sent a copy of the minutes of the meeting with the Sub-Committee.
 - b) Decide, with the benefit of independent legal advice, if investigation is required and if so, whether the Sub-Committee will investigate or seek an independent consultant to do so on their behalf. At this stage, the Sub-Committee should also decide indicative timescales for the investigation and decision making process. For matters which are not particularly complex, the Staffing Sub-Committee should generally aim to collect all the relevant information and make a decision within 4 weeks of receipt of the complaint/grievance.
 - c) If deemed necessary by the Staffing Sub-Committee, an external party may be sourced to record meetings throughout the process.

- d) Where further investigation is considered necessary, investigate the complaint and gather information and evidence – this may require a meeting (or a further meeting) with the complainant and other relevant parties/witnesses. Where the Sub-Committee has decided that it is appropriate to commission an independent party (e.g. an employment/personnel specialist) to undertake the investigation, all findings will be reported to the Staffing Sub-Committee.
 - e) If meetings are arranged or information is sought in writing by the Sub-Committee or the investigator, a reasonable opportunity must be afforded to the person being asked to attend a meeting, or provide information, to do so. If a party does not attend, or fails to provide the requested information, without a reasonable justification and despite being given a reasonable period in which to do so, then the meeting will not be re-arranged and no further opportunity need be offered to provide the information.
 - f) Meet (or have the independent investigator meet) with the Association’s Chief Executive and allow them to put forward their case in response to the complaint/grievance.
 - g) Allow the Association’s Chief Executive to be accompanied at any meeting by a trade union representative or a fellow employee of their choosing.
 - h) Consider any report prepared by an external investigator, or review and consider the Sub-Committee’s notes of meetings it has held with the parties and witnesses, and any other written submissions received.
 - i) Investigate further if required or proceed to make a decision as to whether the complaint/grievance should be rejected, upheld, or upheld in part. Decide any remedial or other steps to be taken.
 - j) Advise the complainant of the decision within 5 working days, with reasons for the decision, and any remedial steps, and advise as to the right of appeal if dissatisfied with the outcome (see 9.1 below). The complainant will not be entitled to sight of any investigation report, witness interview notes etc.
 - k) After the complainant is advised as above, but within 5 working days notify the Association’s Chief Executive of the outcome and whether there are any further steps to be taken.
- 8.2 Following the investigation and consideration of the information presented, it should be borne in mind that the findings may lead to the instigation of disciplinary action which would activate the disciplinary process. In the event that disciplinary action was to be taken against the Chief Executive that would be pursued in terms of the disciplinary policy. The complainant would be advised of that fact but would not be entitled to be told of the outcome of any disciplinary process.

- 8.3 At all stages it is important to keep accurate and appropriate records to document and evidence information sought, information received, and decision making.

9. Post investigation actions (including appeals)

- 9.1 A complainant may appeal against the decision of the Staffing Sub-Committee. Appeals will be dealt with by a body which did not participate in the original investigation and decision of the Staffing Sub-Committee. An appeal should be sent within 7 days of the issue of the decision (as issued under 8.1k) above to the relevant party named below.
- a) If the complainant is an employee, the appeal will be dealt with by an individual appointed by the JNC (Joint Negotiating Committee), and the appeal should be sent to the JNC Appeal Chair at (Care of) Employers in Voluntary Housing, 5th Floor, 137 Sauchiehall Street, Glasgow, G2 3EW, 0141 352 7435, contactus@evh.org.uk.
- b) If the complainant is not an employee, the appeal will be dealt with by members of the Management Committee who did not participate in the original investigation and decision, and the appeal should be sent to the Chair of the Sub-Committee, who will arrange for the Management Committee to appoint an Appeal Sub-Committee.
- 9.2 If an appeal is received, the Staffing Sub-Committee shall report that fact, and the proposed timescales for dealing with the appeal, to the Management Committee. At the same time, the Association's Chairperson should provide SHR with an update to the Notifiable Event via the portal, noting the appeal and the timescales for dealing with it.
- 9.3 The Staffing Sub-Committee shall ensure a report is provided to the Management Committee confirming the outcome of the complaint/grievance – which outcome may be final and fully reported only after the outcome of an appeal. This report should not include detail about the complaint/grievance.
- 9.4 The Association's Chairperson should then provide SHR with an update to the Notifiable Event via the portal, confirming the matter has been concluded and enclosing the final report to the Management Committee and minute of meeting it was presented to.

10. Policy review

This policy and procedure shall be reviewed every three years or sooner as deemed necessary in line with any future SHR guidance.

Appendix 1 – Equality & Human Rights Impact Assessment

Policy	Policy & Procedure on Handling Serious Complaints against the CEO		
EIA Completed by	Corporate Services Director	EIA Date	November 2024

1. Aims, objectives, and purpose of the policy / proposal

This policy and procedure supports the Scottish Housing Regulator (SHR) Guidance Note on Notifiable Events and the appendix to the Guidance Note specifically relating to handling a serious complaint or grievance, against the Chief Executive/Director of an RSL. It sets out the processes to be followed by Tollcross Housing Association’s Management Committee and is consistent with the Association’s Standing Orders for Committee members.

2. Who is intended to benefit from the policy / proposal?

Employees, Committee, Customers, Contractors

3. What outcomes are wanted from this policy / proposal?

The Association handles serious complaints against the CEO in an appropriate manner.

4. Which protected characteristics could be affected by proposal?

- | | | |
|-------------------------------------|---|---|
| <input type="checkbox"/> Age | <input type="checkbox"/> Gender reassignment | <input type="checkbox"/> Religion or belief |
| <input type="checkbox"/> Disability | <input type="checkbox"/> Marriage & civil partnership | <input type="checkbox"/> Sex |
| <input type="checkbox"/> Race | <input type="checkbox"/> Pregnancy and maternity | <input type="checkbox"/> Sexual orientation |

5. If the policy / proposal is not relevant to any of the protected characteristics listed in part 4, state why and end the process here.

The policy provides a framework for how to handle serious complaints made against the CEO. The process does not negatively impact on the protected characteristics. However, we understand that should such a complaint be made, this may negatively impact on any of the staff members involved. We will take advice from our occupational health provider, where a situation like this may arise and ensure that any reasonable adjustments are made to ensure the process can continue.

6. Describe the likely impact(s) the policy / proposal could have on the groups identified in part 4

7. What actions are required to address the impacts arising from this assessment? (This might include; collecting data, putting monitoring in place, specific actions to mitigate negative impacts).

Appendix 2 – Flow Chart

Should a serious grievance/complaint be raised against the Chief Executive Officer of Tollcross Housing Association, the following flow chart shall be followed by the Chairperson.

