



# **Serious Complaints about the Chief Executive Policy**

**Approval date**  
**Review date**

## 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 checked="" type="checkbox"/> Horizon    | <input checked="" type="checkbox"/> Larkfield    | <input checked="" type="checkbox"/> West Highland | <input type="checkbox"/> Lintel Trust             |

## Policy Summary

This policy sets the framework for dealing with serious complaints against the Senior Officer of Link Group Ltd, and its subsidiary companies.

It takes account of employment legislation, good practice and the expectations of the Scottish Housing Regulator's guidance on dealing with such complaints.

## Equalities

This policy fully complies with Link's Equality, Diversity and Inclusion Policy and existing legislation.

The Equality Impact Assessment has shown that there are no adverse impacts on any of the protected characteristics under the Equality Act 2010.

## Privacy

This policy fully complies with the Link's Data Protection Policy and the provisions laid out in the Data Protection Act 2018 and the General Data Protection Regulations. A privacy impact assessment has been carried out and will sit alongside this policy.

## Policy Owner

Director of Human Resources and Business Support

## Approved by

Link Group Board

## 1. INTRODUCTION

1.1 This policy supports the Scottish Housing Regulator's [SHR] Regulatory Guidance on Notifiable Events, published in February 2019\* and the appended note specifically relating to the handling of serious complaint or grievance against the Chief Executive or senior officer. For ease of reference within this Policy, 'Chief Executive' will cover all senior officers in subsidiary companies.

\* <https://www.scottishhousingregulator.gov.uk/for-landlords/statutory-guidance/notifiable-events>

## 2. REGULATORY EXPECTATIONS

2.1 Link Group Ltd. is expected to:

- Tell the SHR in the event of a serious complaint or grievance about the Chief Executive;
- Tell the SHR in the event of a serious complaint of grievance about senior officers within the other RSL subsidiaries in the group
- Take prompt, independent and professional advice as appropriate to the event;
- Have in place strong 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 process.
- Take all reasonable steps to protect the confidentiality of any individual who may find themselves subject to such a complaint, and act in accordance with data protection legislation at all times.

## 3. WHAT CONSTITUTES A SERIOUS COMPLAINT/ GRIEVANCE?

3.1 The list below is not exhaustive, but gives an indication of the type of incident which would constitute a serious complaint or grievance:

- Allegations from an individual employee of bullying or harassment by the Chief Executive;
- Inappropriate behaviour which may bring the Link group into disrepute;
- Allegations of fraud;
- Serious breach of Link's Employee Code of Conduct.

## 4. IMMEDIATE ACTION REQUIRED ON RECEIPT OF A FORMAL COMPLAINT/ GRIEVANCE

**4.1** If a formal serious complaint or grievance is received concerning the Chief Executive, the Chairperson of Link Group Board will be informed immediately. 'Formal' normally means that the complaint has been submitted in writing. However, there may be occasions where an oral complaint is received. In this instance the complainant will be asked to confirm their complaint in writing to ensure the issues raised are clearly stated.

**4.2** On receipt of the formal complaint the Chairperson or Vice Chairperson(s) with advice from the Company Secretary or Director of Human Resources and Business Support will establish whether the complaint falls with this policy

**4.3** If the formal complaint is found to be valid and falls within the remit of this policy the Chairperson will inform the SHR in accordance with the Notifiable Events Regulatory Guidance.

**4.4** Notifiable Events for all Link group events of this nature will be logged by Link Group's Director of Finance and Corporate Services or Director of HR and Business Support with the SHR using their online portal available at <https://www.scottishhousingregulator.gov.uk/news/social-landlord-portal-user-instructions-%E2%80%93-applications-consent-and-notifiable-events>.

**4.5** Acknowledgement of the complaint/grievance should be sent to the complainant as soon as possible, ideally within three working days. An appropriate HR representative may assist the Chairperson with this task.

## **5. HEARING OF THE COMPLAINT/GREIVANCE**

**5.1** A staffing sub-committee of the relevant Board will be established to hear the complaint. This sub-committee will have a quorum of three members. One member will be designated Chair for the purposes of handling the complaint. Members of this sub-committee will then be responsible for hearing, and deciding on any action arising from, the complaint/ grievance.

**5.2** Due to the highly sensitive nature of complaints at this level it is vital that confidentiality is observed and maintained throughout. Where considered necessary, members of the relevant Board may be told that the complaint/ grievance has been received and is being dealt with, but not about the detail of the complaint/ grievance. This is for a variety of reasons:

- It ensures confidentiality for the Chief Executive at the centre of the allegations
- The Board has awareness and assurance that the complaint is being heard
- If independent help is required, then any associated costs can be authorised
- The Board can monitor any emerging patterns of grievances and decide on an appropriate course of action
- By keeping the substance of the complaint confidential it leaves a clear route for any appeal to be heard by other members of the Board, who will remain unbiased.
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- Any serious complaints being considered against a senior officer of a subsidiary company will be notified to Link Group Chair for awareness.

**5.3** Should it be required, an Appeals sub-committee (of normally three members) will be formed from the remaining members of the Board. The relevant Board will be notified of the outcome of the complaint/ grievance at the end of the process.

Where the complaint is relating to a subsidiary senior officer, Link Group Chair and Chief Executive will be informed of the outcome.

## **6. INDEPENDENT ADVICE AND SUPPORT**

**6.1** It would be inappropriate for any Link employee to be involved in the investigation or handling of a complaint/ grievance against the Chief Executive. Access to independent advice must be sought by the Hearing sub-committee.

**6.2** The Chairperson or the Chair of the Hearing sub-committee may ask an appropriate HR representative for information on a possible source of independent advice. The HR representative will provide this information and, if requested, may also assist with administrative tasks such as arranging meeting space or for courier delivery of confidential documents.

## **7. PRINCIPLES FOR HEARING THE COMPLAINT/ GRIEVANCE**

**7.1** The full process for hearing a complaint/ grievance is noted in Appendix 1. The general principles which the Hearing sub-committee must follow are:

- Investigate the complaint, gather information and evidence. This may involve meeting with the complainant and other relevant parties or witnesses. It may be appropriate to commission an independent party to undertake the investigation, but all findings will be reported to the Hearing sub-committee.
- Meet with the Chief Executive and allow them to put forward their case in response to the complaint/ grievance.
- Allow the Chief Executive to be accompanied at the meeting by a representative.
- Adjourn the meeting, if required, to consider the information presented.
- Notify the Chief Executive of the outcome decision and the right of appeal.

**7.2** At all stages it is important to keep accurate and appropriate records to document and evidence decision making.

## **8. MONITORING OF THE POLICY**

Any matter which represents a serious failure of internal controls should be reported immediately to the Chair

## **9. COMPLAINTS AND APPEALS**

Employees have the right to appeal any decisions made on matters covered by this Policy according to the Grievance Policy.

## 10. POLICY REVIEW

10.1 Link Group undertake 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

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## 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 checked="" type="checkbox"/> Yes | <input type="checkbox"/> No            |
| 2. Disability                     | <input checked="" type="checkbox"/> Yes | <input 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.*

## **APPENDIX 1**

### **Guidance notes for the Hearing sub-committee to investigate and hear a complaint/ grievance against the Chief Executive.**

#### **1. Notification of a Hearing**

The Hearing sub-committee will carry out an appropriate investigation into the complaint/ grievance. This may be with the assistance of an independent advisor.

The Chief Executive will be informed in writing of the nature of the complaint, the time, date and place of the hearing, who will be conducting it and who else will be present. They will be advised of their right to be accompanied and asked for the name of the person who will accompany them. At least five working days notice of a hearing should be given. Any supporting documentation will be provided to the Chief Executive in advance of the hearing whenever possible. The Chief Executive will be expected to attend the hearing in person unless there are exceptional circumstances – in which case, written responses/submissions may be accepted.

The aim is to reach a conclusion which is satisfactory to all parties. It is important to deal with such matters as quickly as possible to remove periods of uncertainty. Unless there are strong reasons why the complaint cannot be dealt with quickly, the Hearing sub-committee should collect all the relevant information and aim to hold the hearing within ten working days of receipt of the complaint.

#### **2. At the Hearing**

The Chair of the Hearing sub-committee will outline to the Chief Executive the details of the complaint and the findings from any subsequent investigations. The Chief Executive will be invited to discuss these findings and present their response to the details of the complaint/ grievance.

The meeting can be adjourned to consider information presented. It can be reconvened on the same day or if that is not appropriate arrangements can be made for a further meeting.

A member of the Hearing sub-committee may take notes of the hearing. Alternatively, a note taker may be appointed; or the meeting may be recorded using audio equipment.

### **3. After the hearing and meeting**

After the hearing, the decision of the Hearing sub-committee should be conveyed in writing to the Chief Executive within seven working days of the date of the hearing.

The decision letter must record:

- The nature of the complaint/ grievance raised
- The date of the meeting and who was present
- The key points made in discussions at the hearing
- Reference to the decision and supporting rationale
- The outcome
- The right of appeal

It is particularly important that the decision letter contains information which will enable all parties to understand how the conclusions and decision(s) were reached.

### **4. Potential outcomes of the hearing**

Once the Hearing sub-committee is satisfied that it has come to a satisfactory conclusion it must decide whether to:

- Uphold the complaint in full
- Partially uphold the complaint
- Not uphold the complaint

It must also decide whether to apply a formal disciplinary sanction as a result of the decision in respect of the complaint.

### **5. Right of Appeal**

If the Chief Executive is not satisfied with the outcome of the Hearing, an appeal may be submitted in writing to an Appeals sub-committee within ten working days of the decision letter. The appeal should specifically outline the reasons why the Chief Executive believes the decision was unfair or unreasonable, and/or why they believe the procedure has not been properly applied.

Grounds for appeal include:

- Procedural irregularities
- Unfairness of the judgment
- New evidence which could not have been available at the time of the original decision or was unreasonably withheld and which could have materially affected the outcome

## **6. Appeal Hearing**

The Chief Executive will be informed in writing of the time, date and place of the hearing, who will be conducting the hearing and who else will be present. They should also be advised of their statutory right to be accompanied and asked for the name of the person who will accompany them. At least five working days' notice of a formal hearing should be given. In all cases, the Chief Executive will be expected to attend the hearing in person unless there are exceptional circumstances – in which case, written responses/submissions may be accepted.

## **7. Right to be Accompanied**

The Chief Executive has the right to be accompanied at all stages of the procedure by an appropriate colleague or Trade Union representative. In recognition of the seriousness of such a complaint, consideration will be given to accepting an alternative representative. The accompanying colleague should not have a conflict of interest or be called as a witness to the complaint/ grievance.

## **8. Witnesses**

The Hearing or Appeals sub-committee may also wish to seek information from any other staff member(s) whose name(s) has appeared as part of the complaint/ grievance. The member(s) of staff have the right to be accompanied to any meeting to discuss the grievance and must keep the matter confidential.

## **9. Right of Delay**

At all stages of the complaint/ grievance and appeal procedure the Chief Executive can request to delay the hearing for up to five working days if their chosen companion is unavailable. The Hearing sub-committee should agree to this request unless there are exceptional reasons for not doing so.

If the Hearing/Appeal sub-committee, the Chief Executive or their companion cannot attend the meeting for a reason that was not reasonably foreseeable at the time the meeting was arranged, the meeting must be rearranged. However, if either party does not attend the meeting and the failure could be reasonably foreseen then the meeting will not be rearranged again.

## **9. Records**

Records should be kept detailing the nature of the complaint/ grievance, the response(s) given, any action taken and the reasons for it. A member of the sub-committee (or nominee) should be appointed to prepare a comprehensive note of the

hearing. Consideration will also be given to recording the meetings and providing a transcript. In certain circumstances some information may be withheld, for example, to protect a witness.

Records will be kept of all meetings detailing:

- The nature of the complaint/ grievance raised
- A note of the meeting(s) held
- Link's response to the issues raised
- Any action taken and the supporting rationale
- The outcome of the meeting

## **10. Informing the Scottish Housing Regulator of the outcome**

Once the hearing process has been concluded, the Chairperson will inform the Scottish Housing Regulator of the outcome.

GDPR clause to be added.

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