

Procedure for Dealing with Serious Complaints against the Director

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ROSEHILL HOUSING CO-OPERATIVE LIMITED
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Procedure for dealing with serious complaints against the Director

1. Introduction

1.1 This procedure has been developed taking account of The Scottish Housing Regulator's guidance note "Handling a serious complaint against the Director/Chief Executive of an RSL". This guidance note forms an appendix (3) to the Notifiable Events Statutory Guidance and is attached.

1.2 There are other policies and procedures that are associated with the implementation of this procedure, including:

Disciplinary Procedures

Grievance Procedures

Anti-Harassment and Bullying Policy

Prevention of Fraud and Anti-Bribery Policy

Scheme of Delegated Authority

Whistleblowing Policy

2. Regulatory Expectations

2.1 We are expected to:

- Have effective governance systems in place that set out clear procedures for dealing with serious complaints or grievances against our Director and the role of the governing body;
- Be open and transparent about our decision-making processes for handling such matters;
- Tell The Regulator, in the event we receive a serious complaint or grievance about the Director, in accordance with its Statutory Guidance on Notifiable Events;
- Take prompt, independent and professional advice as appropriate to the individual complaint or grievance.

2.2 The Regulator does not become involved in employment issues which are for our Governing Body, the Management Committee, as employer to resolve with the individual employee. However, they do need to be assured that the Governing Body will handle a serious complaint or grievance about our Director in a manner that is compliant with regulatory standards and will get appropriate advice and support to help it manage these situations and discharge its employment responsibilities fully and properly.

3. What constitutes a serious complaint/grievance?

The following are examples of what would constitute a serious complaint or grievance against the Director:

- Serious allegations from an individual employee of bullying or harassment;
- Allegations of Fraud;
- Inappropriate behaviour which may bring Rosehill into disrepute.

4. The Procedure

4.1 The Director is employed on the same conditions of service as other employees. However, Rosehill recognises the need for a clear process setting out how a serious complaint or grievance against the Director will be handled. A serious complaint or grievance is one which, if factually established, might amount to gross misconduct. Examples are set out in Section 13 of the EVH terms and conditions.

4.2 A serious complaint or grievance about the Director can have the potential to seriously damage the organisation because of their nature and sensitivity. It is of paramount importance that such matters are handled appropriately.

4.3 The Director has the same rights as other Rosehill employees and is subject to the Disciplinary Procedures and Grievance Procedures set out in Sections A13 and A14 respectively of the Statement of Terms and Conditions of Employment. The Director is also subject to other policies such as the Anti-Harassment and Bullying Policy, the Prevention of Fraud and Anti-Bribery Policy and Whistleblowing Policy. In these sorts of matters the Director acts as advisor to the Committee. However, if the Director is the subject of a serious complaint or grievance, alternative arrangements must apply. These arrangements do not detract from or diminish the Director's contractual position as an employee.

4.4. Any formal grievance or complaint against the Director will be dealt with by the Staffing and Health & Safety Sub-Committee (the Sub-Committee) as per our Scheme of Delegated Authority.

4.5 On receipt of such a complaint or grievance the Sub-Committee must act quickly. For instance, if the grievance is about bullying or aggressive behaviour then the sub-committee must take immediate action. Given the likely sensitive nature of the grievance it should be handled carefully and the sub-committee will obtain independent professional advice to

support it in dealing with matters. Such advice will usually be provided by Rosehill's solicitors.

- 4.6 The Director will neither be involved in managing nor investigating the complaint nor in advising the Sub-Committee in any way.
- 4.7 The Corporate Services and HR Manager will assist the Sub-Committee to make any practical arrangements and will advise on the formal engagement of solicitors. The Corporate Services and HR Manager will play no further part in the process, apart from providing the solicitor, on request, with copies of relevant policies and procedures and other documentation, unless instructed further by the solicitor.
- 4.8 The Sub-Committee will follow Rosehill's relevant policies and procedures, in relation to disciplinary and grievance, and will pay particular heed to the need for absolute confidentiality.
- 4.9 The Sub-Committee will oversee any investigation, make all decisions and keep proper records. The Sub-Committee may, in some instances, appoint an independent party to carry out any investigation. Any independent party will be appointed on the advice of Rosehill's solicitors. Rosehill must ensure that its investigation of the complaint/grievance, and any subsequent action, complies with its legal duties, including those in relation to equalities and human rights. The Sub-Committee has delegated authority from the Management Committee to incur any reasonable expenditure related to independent professional advice, guidance and/or investigation. This will ensure that matters are dealt with promptly. Costs will be reported to the Management Committee at the earliest opportunity.
- 4.10 On deciding to investigate a serious formal complaint, the Sub-Committee will advise the Management Committee but will not provide any detail. One of the reasons for this is that by keeping the substance of the grievance confidential then there is a clean route for any appeal to be heard by other members of the Management Committee who are untainted by detailed knowledge about the issue.
- 4.11 As this is a notifiable event, The Chairperson will notify the Scottish Housing Regulator about any formal serious complaint/grievance against the Director in accordance with its Statutory Guidance, and confirm how Rosehill intends to handle it. All information provided to the Regulator will be in confidence, provided it does not compromise The Regulator's ability to safeguard the overall interests of Rosehill or the Sector or breach a legal obligation to disclose that information.

4.12 At the end of the process, the Management Committee should be told about the outcome of the complaint/grievance.