

Exeter u3a: Procedures in relation to complaints, grievances and disciplinary matters

1. Development.

This document has been developed by Exeter u3a based on the example Complaints Procedure and Disciplinary Procedure models provided by u3a nationally.

2. Introduction

It may be considered that a grievance is a more serious matter than a complaint but the distinction is not relevant procedurally since a matter described as one could clearly give rise to as much dissatisfaction for the parties concerned as one described as the other. The term 'complaint' is used in this document to mean either a complaint or grievance. Any such matter will necessitate a review of the circumstances that deals fully and fairly with the concerned parties' issues, regardless of the result. It is possible that the matter under review will be serious enough that disciplinary action is necessary. The investigation and review procedures described below are intended to be robust enough to support disciplinary action if that proves necessary.

In any organisation, complaints will occur from time to time and it is important that members know where to turn for help, advice and support so that, whatever the issue, it can be dealt with quickly, objectively and appropriately. In the first instance, complaints should be made to the committee of the U3A. This may include complaints from members or complaints from an external organisation or individual. Depending on the nature and source of the complaint, the committee will decide how best to approach reaching a resolution.

In dealing with complaints, the U3A committee will ensure that:

- All actions are documented.
- Complaints are dealt with quickly and fairly.
- Confidentiality is maintained. For more serious complaints, the committee may need to liaise with and share information with the Third Age Trust. This will not constitute a data breach due to the U3A's membership of and affiliation to the Trust. The complainant will be asked to agree to this and should they refuse they will be informed that the complaint cannot be accepted.
- Decisions made are based on the facts and evidence gathered.

2. First stage

As soon as the complaint is received and before any actions are taken forward the complainant will be provided with a copy of this policy.

- The committee will appoint someone to lead in attempting to resolve the situation. This person might be a group coordinator or trustee as judged appropriate and they may be provided with support from another such person. These appointed persons should have no personal interest in the outcome of the complaint other than that it be complete and fair. The Chair should be excluded at this stage so that they remain impartial should an appeal be necessary (see below).

- The initial approach of those dealing with the complaint should be to provide the complainant with a thorough hearing and on that basis make good faith undertakings to deal with justified issues in the hope that the complainant can be satisfied without it being necessary to establish lengthier or more burdensome procedures. In taking this approach, though, the complainant must feel that their complaint is not being trivialised. If the complainant is not satisfied at this stage then the matter will proceed as follows:
- The person(s) identified to lead on the complaint will hold discussions with all relevant parties. The purpose of these discussions will be to understand the problem and hear each party's views. It will often be appropriate to have these discussions separately to avoid their being disputatious. The parties may decide to put their concerns or complaints in writing and, for the sake of clarity, this is often helpful.
- If there are several people involved with the complaint it may be appropriate to speak with others mentioned so that as full a picture as possible is obtained.
- The purpose of the meetings will be to summarise the situation with all parties and to reach a mutually satisfactory outcome, agreeing any actions or changes required to ensure that the situation does not happen again and to clear the air.
- If all parties are willing to accept the agreed outcome then no further action will be necessary.
- If the parties to the complaint are unwilling to agree to a resolution at this stage or the person(s) leading on the matter feel that further investigation is needed (because a specific course of action may be necessary, e.g. exclusion from an interest group, or some other disciplinary actions) the matter should be referred in writing by the person(s) leading on the issue, in a form agreed so far as possible with the complainant, to the Chair of the U3A Committee stating that the complaint needs to be investigated further. This will include a summary of the complaint, any steps already taken to deal with the issue and any action that the parties involved consider necessary to resolve it.

3. Second stage.

At this stage and bearing in mind the report of the complaint provided at the previous stage the complainant will be asked to provide as much further information as is relevant, giving specific dates and times where possible. The complainant should also be asked what outcome they are hoping to achieve by making the complaint, for example, whether they would be prepared to accept an apology. It should be explained to the complainant that whilst their desired outcome forms part of their complaint, they need to be aware that there are no guarantees about what any outcome might be.

The committee will appoint a Trustee to act as the designated Trustee for managing the current complaint. The committee may also contact the Third Age Trust and request support from the Regional Trustee, a Trust volunteer and/or National Office staff. The committee will inform the complainant that it feels that additional support should be requested and the reasons why. If they will not agree to this they will be informed that the committee cannot accept the complaint or proceed further with it.

A letter or email will be sent to the complainant confirming receipt of the complaint and what action is to be taken next. The Chair will appoint either one or two people to lead on the investigation. This will include gathering information and conducting interviews related to the complaint. The person(s) against whom the complaint has been made will be informed about the basis of the complaint. This will include the letter of complaint and any supporting documentation or other member statements. The result of these investigations must not be disclosed to any other Trustees at this stage, in order not to bias any appeal.

The Chair will appoint a subcommittee of three committee members to hear the complaint.

The timetable for the date of the meeting to hear the complaint will be short, within 14 days. The subcommittee will then consider the matter, taking into account any mitigating circumstances and agree what action to take. This might include changes to u3a practices or procedures or obligations on complained of or complaining parties, possibly including disciplinary procedures (see below).

4. Decision

The subcommittee decision will be communicated in writing to both the member, Trustee or external person or body that raised the complaint and the member or Trustee against whom the complaint has been made. Both parties will be informed of the outcome of the investigation in respect of whether the complaint has been upheld or not upheld.

If the complaint has been upheld, the letter will also specify what action will be taken as a result.

That final decision might include obligations on the committee to modify its policies or practices and on the parties to the complaint to avoid behaviour likely to result in further complaints. In more serious cases it might include a recommendation for disciplinary action. The procedures set out above, if conducted diligently, should provide adequate justification for any recommendations, including for disciplinary action, and it will be important that those involved in the process to conduct themselves with this possibility in mind so that further disputes can be avoided.

5. Disciplinary proceedings.

The disciplinary sanctions available to the u3a are confined to the withdrawal of the benefits of membership, in whole or in part. So someone sanctioned under this procedure may have their entitlement to attend any meeting or group of the u3a or their membership cancelled.

Disciplinary action might be one of the following kinds:

A letter or email from the Chair to the member which makes clear the nature of the member's unacceptable behaviour and includes a warning about future conduct and the consequences of its repetition. Those consequences will be the withdrawal of the member's right to attend specified u3a meetings or groups for a specified period or permanently. The warning should be recorded and kept on file.

The withdrawal of the member's right to attend specified u3a meetings or groups for a specified period or permanently.

The cancellation of the member's membership.

6. Right of appeal

An opportunity to appeal should be offered. Any appeal must be lodged within 7 days from the date of the subcommittee decision being provided to the complainant and the member or Trustee against whom the complaint has been made. The appeal needs to be lodged in the form of a written representation for the committee to consider. An appeal can be lodged either by the person who made the complaint or by the person against whom the complaint has been made. The written representations should

explain why the appeal is being made and include any additional information the appellant feels needs to be considered.

For the appeal, the Chair will convene a meeting of three Trustees (including him/herself). This should not include those who were involved in the initial investigation. This meeting will consider the recommendations arrived at by the initial investigation, the evidence on which it was based and any further information provided by the appellant and will form a provisional position on how the matter should be resolved. This might be by confirming the original decision, setting aside the result of the previous investigation or by modifying its recommendations in some way. The principal parties to the original complaint will be informed of the result and invited to attend a further meeting in order to make further representations to the appeal panel should they so wish. In taking up this right to reply either party may choose to attend with a companion who may speak in a personal capacity.

The appeal panel will then re-convene to review its provisional position, based on the facts included in the original hearing, any additional matters revealed through the appeal process and any mitigating circumstances, and then make a final decision which must be communicated in writing to both parties.