

Complaints Procedure

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 directed towards the Committee of the U3A. This may include complaints from members about an issue that has arisen or complaints from an external organisation or individual. Depending on the nature and source of the complaint, the Committee will make a decision as to how best to approach reaching a resolution. This procedure sets out how W&WU3A will approach a complaint or grievance. This procedure is intended to ensure any issues are dealt with promptly, fairly and consistently. All parties are encouraged to take a problem-solving approach to achieve resolution.

In dealing with complaints the U3A Committee will ensure:

- All actions will be documented.
- Complaints will be dealt with quickly and fairly.
- The U3A Committee will try to de-escalate the situation and settle issues without having to resort to formal action, where possible.
- Confidentiality will be 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 with the Trust.
- Decisions made will be based on the facts and evidence gathered.

In most cases, it is hoped that complaints or grievances can be dealt with informally as detailed below:

Informal process

- The Groups' Co-ordinator or designated Trustee will first attempt informal resolution, by holding an informal discussion with each party concerned. The purpose of this would be to understand the problem and hear each party's views. The parties may decide to put their concerns or complaints in writing, and for the sake of clarity this is often helpful.
- The Groups' Co-ordinator or designated Trustee will seek to summarise the situation with both parties, be clear about any required changes to ensure it does not happen again and clear the air.
- If the Groups' Coordinator or designated Trustee feel that there is a case to answer but that nevertheless it is a minor issue, then it should be made clear to the relevant parties that there must be no repeat of the sort of actions/behaviour which led to this problem. If that outcome is accepted by both parties, then no further action is necessary.
- If the Groups' Coordinator or designated Trustee feels that the situation warrants a more formal approach or a specific course of action e.g., exclusion from an interest group, or if the person raising the complaint wishes to lodge a formal complaint, the Groups' Coordinator or Trustee will refer the matter, in writing, to the Chair of W&WU3A Committee stating that this is a formal complaint. 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.

If it requires more or informal resolution does not resolve the matter then the following process will be implemented.

Formal process

A formal approach becomes necessary then the committee will appoint a Trustee who acts as the designated Trustee for managing complaints. The Committee may also contact the Third Age Trust and request support from the Regional Trustee Trust volunteer and/or National Office staff. The Committee will inform the complainant that additional support has been requested and the reasons why.

The member will be asked to put the complaint in writing giving specific dates and times, where possible.

A letter or email will be sent to the complainant confirming receipt of the complaint and

- if the complaint is deemed to be a grievance the letter should confirm that the grievance policy will be followed.
- if the complaint is deemed to be a disciplinary then the disciplinary procedure will be followed.
- if the complaint is deemed to not involve a grievance or disciplinary matter then the following process will be undertaken.

The Chair will appoint an investigating Trustee to gather information relating to 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 to not 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 could include, for example, a change of procedures, a change of venue for monthly meetings or whatever outcome is deemed the most appropriate as a solution.

Decision

The subcommittee decision will be communicated in writing to both the member or Trustee who raised the complaint and the member or Trustee against whom the complaint has been made. Both parties will be informed as to 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.

Right of appeal

A right of appeal should be offered provided it is lodged within a 7-day period 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 appeal can include a request for a right of reply as well as written representations.

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.

The person raising the appeal will be offered a verbal right of reply, if s/he wishes to take this up then s/he will be asked to attend a meeting with the appeal panel. Where the verbal right of reply involves the member or Trustee against whom the complaint has been made, s/he will be offered the option to attend with a companion who may also speak in a personal capacity.

The whole issue will be summarised and the person making the appeal will be given the opportunity to speak. The appeal panel will review the decision based only on the facts included in the original hearing taking into account any mitigating circumstances, and then make a final decision, which must be communicated in writing to both parties.

Confidentiality

All procedures and documents relating to a grievance must be kept confidential at all times. Information should only be shared with those who have a genuine need to receive it. This may include Third Age Trust staff, Trust volunteer/s and the Regional Trustee. All situations should be dealt with discreetly and by showing respect to the parties and views involved.

Example Grievance Procedure(s)

Problems for a group contact within an interest group

Problems can arise within a group, for example:

- disruptive and/or unsocial behaviour;
- poor attendance/timekeeping;
- unsuitability;
- failure to pay fees;
- disagreement between members.

Participants in any group or organisation will, on occasion, have concerns or complaints. In most cases the group contact will be able to resolve the situation informally and amicably by just having a quiet word with the member or members in question. For example, in certain situations asking a member to leave the group for the remainder of the session to give time for the contact to talk the matter through with them may well be the best solution.

If it requires more, or this approach fails and the problem persists, the group contact should refer the matter to the Groups' Co-ordinator on the committee or, if that role does not exist, the Trustee on the committee designated to deal with complaints/grievances. The group contact should not allow a situation to continue which impacts on the enjoyment of other members of the group.

Group Contacts should not have the authority to exclude a member from the group permanently. That decision must be made by the Committee and should a contact refuse to have a member in the group, it will not be possible for that group to continue with that member running it. Similarly, if a contact refuses to have a particular member in his/her house, then it will not be possible for the group to continue to be hosted there.

Problems with the Group Contact

Initially, the member or members should try to resolve the problem by discussing it with the group contact. However, if this is unsuccessful or if the member or members involved feel unable to do so the matter should be referred to the Groups' Co-ordinator or the designated Trustee.

Problems within W&WU3A as a whole

- Member to member.
- Member to the Committee.
- Member to an individual trustee.
- Committee member to Committee member
- A member who brings the U3A into disrepute or acts in a way which is prejudicial to the U3A.
- A member who causes damage to property and/or equipment, for example, through misuse or negligence

The above should all be referred to the designated Trustee in the first instance unless that person is personally involved, in which case, it should be referred directly to the Chair. Responsibility for dealing with grievances (other than those raised by or against the Chair) rests with the Chair and the committee.

Informal procedure

When a problem/grievance is referred to the Groups' Coordinator or designated Trustee they will:

- gain clarity from the outset as to what the nature of the problem/grievance is. Ask people to cite specific examples of behaviour, with dates where possible.
- attempt informal resolution,
- have an informal discussion with each party concerned to understand the problem and hear each party's views. The parties may decide to put their concerns or complaints in writing, and for the sake of clarity this is often helpful.
- seek to summarise the situation with both parties, be clear about any required changes to ensure it does not happen again, and to clear the air.
- If the Groups' Coordinator or designated Trustee feels that there is a case to answer but that nevertheless it is a minor issue, make it clear to all present that there must be no repeat of the sort of actions/behaviour which led to this problem. In this case no further action is necessary.
- If, however, the Groups' Coordinator or designated Trustee feels that the situation warrants a more formal approach or a particular course of action e.g., exclusion from an interest group, or if the person raising the grievance wishes to lodge a formal grievance the matter will be referred, in writing, to the Chair of the Committee stating that this is a formal grievance. This should include a summary of the grievance and any action that the parties involved consider necessary to resolve it.

Committee procedure (formal)

The formal grievance procedure should only be activated after every effort has been made to resolve the issue informally.

The designated Trustee should inform the Chair that there is a grievance that needs to be investigated. The Chair will appoint a subcommittee of 2/3 committee members (where possible) to hear the grievance.

The designated Trustee should ask the aggrieved party to provide details of the grievance in writing. The grievance should be very clear and specific, with dates and times if relevant.

The designated trustee should advise the aggrieved party that a meeting to hear the grievance by a subcommittee will be convened. The timetable for the date of the meeting will be short, preferably within 7 to 14 days.

A letter should be sent to the member against who the grievance has been made:

- advising them of the grievance
- asking for their response to the grievance in writing
- advising them of the date of the grievance hearing
- advising that they can also attend the subcommittee meeting to state their response in addition to their written response
- advising them they may choose to bring a companion who will also be bound by confidentiality, if they wish.

A letter should be sent to the member lodging the grievance

- Advising them for clear and specific details of the grievance including dates and times if relevant
- Advising them of the date of the grievance hearing
- Advising that they can also attend the subcommittee meeting to state their grievance in addition to their written response
- Advising them they may choose to bring a companion who will also be bound by confidentiality, if they wish.

If either member advises that there are witnesses to the grievance incident(s) who are willing to give representations, they should ask those witnesses to contact the subcommittee to agree to giving a statement relating to the specific grievance incident(s) that they have witnessed.

The subcommittee meeting

The meeting must be minuted. The minutes must be confidential. (These minutes MUST NOT be published on our website or distributed to anyone outside of the subcommittee.)

This subcommittee will then consider the matter, taking into account any mitigating circumstances and agree what action to take. They should record their decision and give reasons for the decision based on the factual information provided in the statements and verbal reports provided.

Possible forms of action

- Level 1- no case to answer. No further action necessary
- Level 2- a verbal warning about future conduct by an elected officer with another officer present, details of which should be confirmed in writing.
- Level 3 – a written warning which clearly states what will happen if the situation is repeated. • Level 4 – a final written warning, which if breached will result in automatic escalation to level 4 or 5
- Level 5a – exclusion from an interest group.
- Level 5b – termination of U3A membership.

Gross misconduct

If there is a case to answer, for most problems you will start at Level 1. However, in the case of an extremely serious proven misdemeanour, for example:

- Sexual/racial abuse, discrimination, harassment, bullying.
- Dangerous or violent behaviour.
- Falsification of expense claims.
- Theft.
- Malicious damage.
- Conduct which brings U3A into disrepute or is prejudicial to the U3A or the running of W&WU3A

The committee has the right to move immediately to Levels 3, 4 or 5, including asking the member to leave the interest group or to leave the U3A, depending on the outcome.

Grievance against the Chair

If the grievance is against the Chair of the Committee, then the Vice Chair will replace the Chair in the procedure. In this case and in the event of an appeal, the Vice Chair may choose to ask committee members from a neighbouring U3A or seek advice/request attendance from Third Age Trust staff or trustees.

Decision

The decision will be communicated in writing to the member against whom a grievance has been made advising them if the grievance has been upheld or not upheld.

If the grievance has been upheld, they will be informed:

- of the action that will be taken as a result;
- that they have the right of appeal;
- that the right of appeal can only relate to the original grievance;
- that the appeal request must be lodged within 7 days with the designated trustee.

Right of appeal

An appeal, providing it is lodged within a 7-day period, can take the form of written representation for the committee to consider or a request for a right of reply.

In either case the Chair should be informed of the intention to appeal by the member.

They will then convene a further sub-panel of committee members who did not hear the original grievance, to hear the appeal.

This sub-panel should consider any written response and make their decision on whether to uphold the appeal or not.

This should be independent of the initial hearing and committee members should not discuss this outside of the appeal sub-panel.

If the member concerned requests a right of reply the sub-panel should arrange an appeal meeting with the member in question, who, again, may be accompanied by a companion who may also speak in a personal capacity. The whole issue should be summarised and then the member given the opportunity to speak, along with their companion, if they wish to.

The sub-panel will review its decision, taking into account any mitigating circumstances, and then make a final decision, which must be communicated in writing within 7 days of the appeal meeting.

The decision must be minuted and these minutes must be kept confidential.

The Committee's decision following any appeal is final and confidentiality must be maintained. Exceptions to this would be for gross misconduct issues that necessitated informing appropriate authorities and legal advice would be sought by National Office.

November 2023