

Dulwich & District U3A Grievance & Complaints Procedure/Policy

1. Introduction.

- 1.1. This policy covers both grievances and complaints. Whilst they can be seen as two separate issues they are inextricably linked and in fact the names are often interchanged. A definition of a grievance includes “*a real or imagined cause for complaint*” whereas the definition of a complaint includes a statement that something is unsatisfactory or unacceptable. A grievance (an emotional feeling/reaction to something) may or may not lead to an actual complaint.
- 1.2. In any organisation, problems and grievances occur from time to time. 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. This procedure sets out how Dulwich & District U3A (D&D U3A) will approach problems and grievances, to ensure they are dealt with in this way.
- 1.3. D&D U3A executive committee has nominated as the designated trustee to deal with complaints, grievances and disciplinary matters. This person should be involved early in any situation where there is a suggestion of a complaint or grievance being made.
- 1.4. In dealing with complaints/grievances D&D U3A will ensure the following:
 - All action taken will be documented.
 - All complaints/grievances (including the appeals procedure) will be dealt with quickly and fairly.
 - We will try to de-escalate the situation and try to settle the issue without having to resort to formal action where possible.
 - Confidentiality will be maintained at all times. For serious or complex issues, we may contact the Third Age Trust for support. This may include liaising with the Regional Trustee and/or Trust volunteers supporting the U3A to deal with the issue. Sharing information with the Trust will not constitute a breach of confidentiality due to our affiliation to the Trust. Members involved in grievance/complaints procedures will be informed of the involvement of the Trust.
 - All decisions made will be based on facts and evidence provided.

2. Confidentiality

- 2.1. All procedures and documents relating to any grievance or complaint will be kept confidential at all times. Information will only be shared with those who have a genuine need to receive it. This may include Third Age Trust staff, Third Age Trust volunteer/s and the Regional Trustee. All situations should be dealt with discreetly and by showing respect to the parties and views involved.
- 2.2. Information received in the course of carrying out the procedures set out here are confidential and will be shared only in cases of gross misconduct where it is necessary to inform appropriate authorities and/or where legal advice needs to

be sought from National Office.

3. Scope of the Complaints and Grievance Procedure.

- 3.1. There are a range of problems that can be addresses under this procedure as grievances and complaints can arise from a wide range of issues. Paragraphs 3.2., 3.3. and 3.4 provide a non-exhaustive list of examples.
- 3.2. Problems at interest group level involving a single member or a number of the group members including:
 - Disruptive, inappropriate and/or unsocial behaviour,
 - Extended non-attendance,
 - unsuitability of the group for participant(s),
 - failure to pay group contribution,
 - disagreement between members.
- 3.3 Problems with the group convener
- 3.4 Problems within D&D U3A as a whole
 - Member to member,
 - Member to the Committee,
 - Member to an individual Committee member,
 - Committee Member to Committee member,
 - A member who brings the D&D U3A into disrepute or acts in a way which is prejudicial to the D&D U3A,
 - A member who causes damage to D&D U3A property and/or equipment, for example, through misuse or negligence.

4. Members Initial responsibilities.

- 4.1. Initially, the member or members are responsible for trying to resolve the problem.
- 4.2. Where a group member has a problem with a group convenor the member should try to discuss it with the group convenor. If this is unsuccessful or if the member or members involved feel unable to discuss the matter with the group convenor, they should refer it in writing to the chair who may refer it on to the designated trustee.
- 4.3. Where the problem is at the D&D U3A level, see paragraph 3.4., it should be referred in writing by the member(s) to the chair who will refer it to the designated Trustee unless the designated Trustee is personally involved, in which case the chair will deal with it themselves.

5. Informal Procedure

- 5.1. When a written complaint/grievance is referred to the chair s/he will either him/herself, or after asking the designated trustee, seek a clear understanding from the outset of the nature and facts of the complaint/grievance, including

asking the complainant(s) to cite specific examples of the behaviour complained of, with dates where possible.

- 5.2. Attempt informal resolution. The normal timescale allowed for informal resolution to be achieved is 6 weeks. If informal resolution is not achieved within 6 weeks from receipt of the written complaint/grievance the designated Trustee, in discussion with the chair (assuming neither are involved directly with the complaint/grievance) will decide whether or not the complaint/grievance should be escalated to the Formal procedure.
- 5.3. In trying to achieve an informal resolution, the designated Trustee will have an informal discussion with each party concerned to understand the problem and hear each party's views. The parties may provide additional written information of their concerns or complaints. This must be received by the designated Trustee at or within 5 days of the informal discussion.
- 5.4. The chair/designated Trustee will provide a written summary of the issues to both parties.
- 5.5. If the chair/designated Trustee feels that there is a case to answer but that nevertheless it is a minor issue, the written summary of the issues should
 - set out any required changes to prevent a recurrence and to draw a line under the matter.
 - Inform the complainant of their option to reject the resolution and raise a formal written complaint within 7 days of the date of the summary through the D&D U3A Chair.
- 5.6. If the chair/designated Trustee feels that there is no case to answer the written summary of the issues should
 - clearly state this and note that no further action is necessary.
 - Inform the complainant of their option to reject the resolution and raise a formal written complaint within 7 days of the date of the summary through the D&D U3A Chair.
- 5.7. If the designated Trustee decides that there is a case to answer and that the issues warrant implementing the formal procedure, they will refer it within 7 days to the D&D U3A Chair providing a written summary of the issues.
- 5.8. If the complainant is not satisfied with the designated Trustee's informal resolution, they are responsible for making a formal complaint/grievance in writing, to the D&D U3A Chair stating that this is a formal complaint/grievance. This should include a summary of their complaint/grievance and the action that they consider necessary to resolve it.

6. Formal Committee Procedure – Preliminary Processes

- 6.1. The formal procedure should only be activated where the informal procedure has not achieved resolution as set out above including where the designated Trustee decides that there is a case to answer and that the issues warrant implementing the formal procedure immediately.
- 6.2. Where the D&D U3A Chair receives a formal complaint where no informal procedure has taken place, the D&D U3A Chair will refer it to the designated Trustee who will inform the complainant of the D&D U3A complaints procedure including the initial informal procedure.

- 6.3. Where the designated Trustee informs the D&D U3A Chair that the informal procedure has failed to resolve the complaint issues or the issues warrant implementing the formal procedure immediately, the D&D U3A Chair will initiate the formal procedure by appointing a subcommittee of 3 committee members, including the designated Trustee, to hear the complaint/grievance as soon as possible.
- 6.4. The designated Trustee will then provide a letter summarising the issues to the complainant and respondent (the member against who the complaint/grievance has been made. The letter should include:
- advising them that the formal complaint/grievance procedure has been initiated.
 - advising them of the confidentiality of the information.
 - advising them that they can provide in writing any information relevant to the complaint which is additional to that provided at the informal stage. This must be provided to the designated Trustee within 7 days of the date of the letter.
 - advising them of the date of the meeting which should take place, where possible, within 21 days from the initiation of the formal procedure.
 - advising that the complainant can attend the meeting to state their complaint in addition to their written complaint submission(s)
 - advising that the respondent can attend the meeting to state their response in addition to their written response submission(s)
 - advising them that they may bring a companion who will also be bound by confidentiality.
- 6.5. If either complainant or respondent member advises that there are witnesses to the incident(s) who are willing to give representations, they should ask those witnesses to contact the designated Trustee with their agreement to give a witness statement on the specific alleged grievance incident(s).

7. Formal Committee Procedure – Subcommittee Hearing Meeting

- 7.1. The hearing meeting should be held within 21 days after the formal procedure has been initiated or as promptly as possible thereafter. All members of the subcommittee should be present. It must be minuted by a member of the subcommittee. The minutes must be confidential. The minutes will not be published on the D&D U3A website or distributed or shared with anyone outside of the Subcommittee.
- 7.2. The Subcommittee chair will ask the complainant (if they have chosen to attend) to summarise their complaint and the evidence for their complaint.
- 7.3. The Subcommittee chair will ask the respondent (if they have chosen to attend) to summarise their response to the complaint and the evidence for their response.
- 7.4. The Subcommittee panel may ask questions of and clarifications from both parties if present.
- 7.5. The Subcommittee Hearing chair will ask the complainant their view of an appropriate resolution for their complaint.

7.6. The Subcommittee Hearing chair will ask the respondent their view of the complainant's appropriate resolution.

8. Formal Committee Procedure – Subcommittee Decision

- 8.1. Following receipt of all the evidence (both written and oral, if given) the subcommittee will consider the matter, taking into account any mitigating circumstances and agree what action to take.
- 8.2. They will record their decision and give reasons for it based on the factual information provided in the statements and verbal submissions provided.
- 8.3. This decision, with the full reasons, will be advised in writing by letter (decision letter) to both parties within 7 days.
- 8.4. If the complaint/grievance has been upheld the decision letter will specify what action will be taken as a result. In the most serious cases as exemplified in the D&D U3A disciplinary procedure this can include exclusion from an interest group or termination of D&D U3A membership.
- 8.5. The outcome letter will advise the complainant and respondent of their right to appeal the panel's decision. Appeals must be received by the designated trustee in writing within 14 days of the date of the decision letter. Appeals can include a right of reply appeal on the following grounds:
 - the Sub-Committee decision is not accepted.
 - the penalty imposed on an upheld complainant is considered inappropriate.

9. Right of Appeal - Appeal Panel

- 9.1. An appeal, received within 14 days of the decision letter, will be referred by the designated Trustee to the D&D U3A Chair.
- 9.2. The D&D U3A Chair will appoint a further subcommittee of 3 committee members as soon as possible after receipt of an appeal.
- 9.3. The Appeal subcommittee will not include committee members who heard the original grievance.
- 9.4. The Appeal subcommittee in making their decision must do so independently of the initial hearing and must not discuss the matter outside of the Appeal subcommittee.
- 9.5. The Appeal subcommittee will convene a right of reply meeting within 7 days where the appellant can submit a right of reply in person. The Appeal subcommittee chair will summarise the position and then the member will be given the opportunity to speak, along with their companion, if they wish to.
- 9.6. The Appeal subcommittee will meet within 7 days of receipt of an appeal(s) or 14 days of receipt of an appeal(s) where a right of reply hearing has had to be convened.
- 9.7. The Appeal subcommittee in making their decision will then meet to make their decision taking into account:
 - the written submissions received during proceeding processes
 - the minutes of the complaints subcommittee
 - the decision letter including the reasons for the decision
 - the written appeal(s)

- any right of reply in writing or in person
 - any mitigating circumstances
- 9.8. The Appeal subcommittee decision will be recorded in writing with reasons.
- 9.9. The Appeal subcommittee decision is final and no further appeals can be made to D&D U3A.
- 9.10. The Appeal subcommittee decision must be communicated in writing by the Appeal subcommittee chair, copied to the D&D U3A Chair, with the reasons for the decision to both parties within 7 days of the appeal meeting decision.

10. Complaint/Grievance against the D&D U3A Chair

- 10.1. Where the grievance is against the D&D U3A Chair, the D&D U3A Vice Chair (or other nominated member of the executive committee) must replace the D&D U3A Chair in the procedure. In this case the Vice Chair may choose to seek advice/request attendance from Third Age Trust staff or trustees.