 

Scottish Charity No. SC048974

**Falkirk & District u3a Complaints Procedure**

1. **Aim of the Procedure**

The aim of this procedure is to provide a person (or persons) with a formal route for resolving any complaint he/she has with regards to the Falkirk and District u3a.

1. **Terminology**

This section is included to clarify some of the terms used in this procedure.

**Complaint –** An expression of dissatisfaction with the communication (either written or verbal), behaviour or conduct of a member (or members) of Falkirk and District u3a. The nature of complaints can vary considerably and it is not possible to list all types of complaints covered by this procedure. Some examples of possible complaints are shown in section 7.

**Complainant** – a person, or persons, bringing the complaint.

**Person accused in the complaint** – a person, or persons, accused in the complaint.

**Investigating Officer –** a trustee of the Falkirk and District u3a Committee invited by the chairperson of the Falkirk and District u3a to investigate a complaint

**Trustee** – a person appointed at the AGM to help in the operation and management of the Falkirk and District u3a charity.

**Trustees Committee** – trustees are members of the Trustees Committee, chaired by the chairperson of the Falkirk and District u3a, which exists to operate and manage the business of the Falkirk and District u3a charity.

1. **Who can bring a complaint?**

Any registered member of the Falkirk and District u3a may raise a complaint.

1. **Related Policies and Procedures**

Falkirk & District u3a Equality, Diversity, Inclusion & Accessibility Policy

Falkirk & District Members’ Code of Conduct

1. **The Procedure**

The Falkirk and District trustees believe that as far as possible complaints should be resolved informally between the complainant and the person accused in the complaint. It is expected that every reasonable effort is made to resolve a complaint informally and that only when this does not prove to be possible should the formal part of the Complaints Procedure be used.

Where someone wishes to proceed with a formal complaint he/she should write to the secretary of the Trustees Committee with the following details of the complaint:

* Name of the person the complaint is against
* The nature of the complaint
* When and where the matter involved in the complaint took place
* Details of any witness(es) to the complaint
* Any other information/documents the complainant has in support of the complaint

The secretary will confirm receipt of the written complaint normally within 7-days of receiving it. The secretary will forward the complaint to the chairperson of the Trustees Committee for action as described below. The secretary will also write to the person accused in the complaint explaining that a complaint has been raised against them and provide full details of the complaint.

The chairperson of the Trustees Committee will ask one of the trustees to investigate the complaint. From this point onwards the trustee investigating the complaint will be known as the Investigating Officer. Both the complainant and the person accused in the complaint will be notified of the name of the Investigating Officer, by the chair of the Trustees Committee, at the start of the investigation.

In undertaking the investigation the Investigating Officer may undertake some or all of the following:

* Speak with the complainant on one or more occasions
* Speak with the person accused in the complaint on one or more occasions
* Speak to both parties to the complaint together on one or more occasions (this may include efforts to resolve the complaint between the two parties)
* Take further written evidence from the complainant
* Take written evidence from the person accused in the complaint
* Take verbal and/or written evidence from any witnesses to the complaint
* Access any verbal or written information from any source which helps the Investigating Officer in making a decision regarding the complaint

The Investigating Officer will normally write to both the complainant and the person accused in the complaint, within 28-days of the investigation being initiated, with his/her decision about the complaint and any remedy to be applied.

Where the complainant and the person accused in the complaint are satisfied with the decision of the Investigating Officer and of any remedy applied, if applicable, the Investigating Officer will advise the Trustees Committee of the decision and remedy, if applicable, at the next meeting of the Committee.

Where the complainant, or the person accused in the complaint, are not satisfied with the decision of the Investigating Officer and of any remedy applied, he/she may have the complaint considered further by a sub-committee of the Trustees Committee.

To initiate this stage in the complaints process, the complainant, or person accused in the complaint, must write to the chairperson of the Trustees Committee indicating that they wish the complaint considered by a sub-committee of the Trustees Committee, and detail the reasons why he/she is not satisfied with the decision reached and/or remedy applied.

The chairperson of the Trustees Committee will arrange for a sub-committee to be set up normally within 28-days of receiving the written communication from the complainant, or the person accused in the complaint.

The sub-committee will consists of three trustees, not including the Investigating Officer. The sub-committee will be chaired by the chairperson of the Trustees Committee or a trustee invited to chair the sub-committee by the chairperson.

Members of the sub-committee, the complainant and the person accused in the complaint will receive a copy of the complainants written complaint, the written communication sent to the chairperson of the Trustees Committee and any other documents relevant to the complaint at least 7-days before the sub-committee meets.

The complainant and the person accused in the complaint will represent themselves.

The chairperson of the sub-committee may conduct the meeting in any way he/she sees fit. However, it would be normal practice for the following to be included:

* The Investigating Officer should explain the reasons for arriving at his/her decision and the remedy applied where applicable.
* Sub-committee members, the complainant and the person accused in the complaint should be allowed to ask the Investigating Officer questions with a view to seeking clarification on the decision made or the remedy applied
* Depending on who wrote to the chairperson of the Trustees Committee,
	+ the complainant should present any addition information in support of their complaint and/or in changing the remedy applied or
	+ The person accused in the complaint should present any additional information for rejecting the complaint or downgrading the remedy
* Any additional information provided by the complainant/the person accused in the complaint may include information relating to the conduct of the investigation.
* The person accused in the complaint/the complainant and sub-committee members should be allowed to ask the complainant/the person accused in the complaint questions with a view to seeking clarification on the additional information presented.
* Once sub-committee members are satisfied they have all relevant information, the chairperson of the sub-committee will ask all but the sub-committee members to leave the meeting so that the sub-committee can consider the information they have been presented with and arrive at a decision.
* The decision reached by the sub-committee, including any remedy applied, will be final.
* The complainant, the person accused in the complaint and the Investigating Officer will be informed in writing of the sub-committee’s decision, and any remedy applied if applicable, within 7-days of the meeting.
* The chair of the sub-committee will report the decision of the sub-committee, and any remedy applied, to the next meeting of the Trustees Committee.
1. **Remedies**

The following remedies may be applied in the case where a complaint is upheld.

* A verbal apology
* A written apology
* The member is asked not to be a member of a certain group
* The member is removed as a trustee of the Falkirk and District u3a and may not seek a fresh appointment as a trustee for a minimum period of 12-months
* The member is suspended as a member of the Falkirk and District u3a for up to 12-months
* The member is permanently removed as a member of the Falkirk and District u3a
1. **Types of Complaints**

The types of complaints which may fall within the scope of the Complaints Procedure include the following (although the list is not exhaustive):

* Poor behaviour, conduct or performance due to the influence of alcohol or drugs
* Using foul or abusive language
* Using violent conduct towards another person
* Failing to keep a matter private and confidential when required
* Knowingly providing false or misleading information about another member
* Discrimination on the basis of one or more of the following:
	+ Age
	+ Disability
	+ Gender reassignment
	+ Marriage or civil partnership
	+ Race
	+ Religion or belief
	+ Sex
	+ Sexual orientation
1. **Monitoring Complaints**

The Trustees Committee will review each complaint received with a view, where possible, to put into place measures that minimise the risk of the complaint occurring again.

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