

Complaints, Grievance and Disciplinary Procedures

1.1 The difference between a complaint, disciplinary and grievance procedure

Complaints procedure: 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.

Disciplinary procedure: this is how Selby & District u3a will approach problems related to a breach or suspected breach of the agreed Members Code of Conduct.

Grievance procedure: this is how Selby & District u3a will activate procedures in the above situations by a Selby & District u3a member.

1.2 Definitions

Petitioner – a could be a person who has complained about a member

Issue - this could be

- a) the grievance that is being dealt with
- b) the disciplinary process for a breach of Members' Code of Conduct
- c) a complaint

All Issues need to be put in writing prior to further consideration

Subject - The Subject is a member against whom the issue is alleged.

2.Complaints, Grievance or Disciplinaries – Responsibilities of the Committee

In any organisation, Issues 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. Whoever receives notification of the Issue should in the first instance refer it to the Selby & District u3a Chair, who will make a decision of the best approach to reach a resolution.

In dealing with the Issue, Selby & District u3a Committee will ensure:

- All actions will be documented.
- The Issue will be dealt with quickly and fairly.
- Selby & District u3a Committee will try to de-escalate the situation and settle without having to resort to formal action, where possible.
- Confidentiality will be maintained. For more serious Issues, the Committee may need to liaise with and share information with the Third Age Trust. This will not constitute a data breach due to Selby & District u3a's membership of and affiliation to the Trust.
- All situations should be dealt with discreetly and by showing respect for the parties and views involved.
- Decisions made will be based on the facts and evidence gathered.

2.1 Informal Process

In most cases, it is hoped that the Issue can be dealt with informally as detailed below:

- Depending on what the Issue is, the Selby & District u3a Chair or Vice Chair will decide who is the best person to lead an attempt to resolve the situation informally.
- If an Issue has arisen between two members in a Group then that Group's Leader may be the best person supported by the Selby & District u3a's Groups' Coordinator, if appropriate.
- The initial stage requires checking with the Petitioner as to whether they are willing to accept an informal outcome as opposed to going through a formal process.
- The person(s) identified to lead on the informal stage will hold an informal discussion with all relevant parties. The purpose of this is to understand the Issue and hear each party's views. The parties may decide to put their concerns in writing and, for the sake of clarity, this is often helpful.

- If there are several people involved with the Issue it may be deemed appropriate to speak with others mentioned so that as full a picture as possible is obtained.
- The purpose of the informal discussions will be to seek to summarise the situation with both parties, attempting to reach a mutually satisfactory outcome, agree any changes required to ensure that the Issue does not happen again and clear the air.
- If it is felt that there is a case to answer but that nevertheless it is a minor Issue and all parties are willing to accept the agreed outcome then it should be made clear that there should be no repeat of the actions/behaviour and that no further action is necessary.
- If, however, it is felt by the person(s) leading on the informal stage, that the situation warrants a more formal approach or a specific course of action e.g. exclusion from an interest group; or if the Petitioner wishes to lodge a formal complaint, the matter should be referred, in writing, to the Chair of Selby & District u3a stating that this is now a formal complaint. The document formal document of complaint should include a summary of the Issue, any steps already taken and any action that the parties involved consider necessary to resolve it.

2.2 Formal Process

If the informal process is not effective in reaching a solution or if it is felt that the Issue is serious enough to require formal disciplinary action then a formal request could be put in writing to the Chair, or if inappropriate, to the Vice Chair, providing as much information as is relevant and giving specific dates and times where possible.

The Chair will appoint one Committee Member to act as the designated person to lead the management of the procedure. If the Committee is compromised then another u3a member with appropriate skills and experience, may be asked to lead the process. The lead person may also contact the Third Age Trust and request support from the Regional Trustee, a Trust volunteer and/or National Office staff. They will also inform the parties concerned that additional support has been requested and the reasons why.

The designated person will ask the Petitioner as to what outcome they are hoping to achieve by making the Issue, for example, whether

they would be prepared to accept an apology. Explain that their desired outcome could form part of the Issue and that they need to be aware that there are no guarantees as to what the likely outcome will be.

The appointed lead will designate one or more other Committee Members (not including the Chair), or other suitably qualified people as may be required to form a Hearing Panel who will process the Issue.

Processing the Issue will include gathering information and conducting interviews related to it. The result of any of these investigations must not be disclosed to any others at this stage.

A letter or email will be sent to the Petitioner confirming receipt of the Issue raised and refer to this document for reference.

The letter will:

- advise them that the Issue is now being dealt with formally
- inform them about the basis of the Issue including any supporting documentation or other member statements
- ask for their response in writing
- advise them of the date of the Hearing Panel meeting and that they may also attend to state their response, in addition to their written response.
- advise them they may choose to bring a companion to the Hearing Panel meeting, if they wish, who will also be bound by confidentiality.

The timetable for the date of the Hearing meeting will be within 14 days following the conclusion of the initial Issue investigations

The Hearing Panel will then consider the matter, taking into account any mitigating circumstances and agree what action to take.

2.3 Decision

The Hearing Panel's decision will be communicated in writing to both parties as to the outcome of the investigation in respect of whether the issue has been upheld or not upheld.

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

2.4 Levels of Disciplinary Action

a) Level 1

No case to answer. No further action necessary.

b) Level 2

A verbal warning which makes clear the nature of the unacceptable behaviour and includes a warning about future conduct and the consequences of non-compliance.

The Chair should give the warning on behalf of the Hearing Panel. Details of the warning should be recorded, dated and kept on file in the bespoke Chair's laptop for 3 years.

c) Level 3

A written warning from the Chair, on behalf of and agreed by the Hearing Panel, itemising the unacceptable behaviour, stating the improvement required with immediate effect and the consequences of continued non-compliance.

d) Level 4

A final written warning as above, which states that if the behaviour is repeated the member will be asked to leave the u3a or Committee, with immediate effect.

e) Level 5

The member is asked to leave either the Committee or Selby & District u3a.

2.5 Gross misconduct

If there is a case to answer, for most Issues the process will start at Level 1. However, in the case of an extremely serious proven Issue, including, but not limited to:

- sexual/racial abuse, discrimination, harassment, bullying
- dangerous or violent behaviour
- falsification of expense claims
- theft
- malicious damage
- conduct which brings the u3a into disrepute or is prejudicial to the u3a or the running of the u3a

The Committee has the right to move immediately to Levels 4 or 5.

2.6 Right of Appeal

A right of appeal should be offered.

The Appeal can only relate to the original Issue.

The Appeal must be lodged in writing with Selby & District u3a Chair or Vice Chair if appropriate within 14 days from the date of the decision is communicated.

The Appeal can include a request for a right of reply as well as written representations.

For the Appeal, the Chair will convene an Appeals Panel of two or three Committee members (including themselves) or other suitably qualified people as may be required. This should not include those who were involved in the initial investigation (Informal or Formal).

The person raising the Appeal will be offered a verbal right of reply, if they wish to take this up then they will be asked to attend a meeting with the Appeal Panel. They 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 all parties concerned.

The Appeal Panel's decision is final and absolute.

Confidentiality will be maintained at all times and no one from the Informal, Formal or Appeals groups should discuss outside of their own meetings.

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