

Beccles u3a Complaints, Discipline and Grievance Procedures

Introduction

The difference between a complaints, 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 sets out how the u3a will approach problems related to a breach or suspected breach of the agreed code of conduct by a member or trustee.

Grievance procedure: should be activated when there is a breach, or suspected breach of the agreed code of conduct by a u3a member or Trustee

1. Complaints – responsibilities of the committee

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.

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 to the Trust.
- Decisions made will be based on the facts and evidence gathered.

1.1. Informal process

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

- ◆ Depending on what the issue is, a decision should be taken as to who the best person is to lead on attempting to resolve the situation informally. If an issue has arisen between two members in a group then the group leader may be the best person supported by the Groups' Coordinator, if felt appropriate. For issues involving committee members it will be best for another committee member to attempt to mediate and try to find a solution. The initial stage requires checking with the party raising the concern as to whether s/he is 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 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.
- ◆ If there are several people involved with the complaint – 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 meetings 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 situation 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 person raising the complaint wishes to lodge a formal complaint, the matter should be referred, in writing, to the Chair of the u3a 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.

1.2. Formal process

Where someone wishes to raise a formal complaint, s/he will be asked to put the complaint in writing providing as much information as is relevant and giving specific dates and times – where possible. The complainant should also be asked as to what outcome they are hoping to achieve by making the complaint, for example, whether they would be prepared to accept an apology. Explain to the complainant that whilst their desired outcome forms part of their complaint, they need to be aware that there are no guarantees as to what the likely outcome will be.

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, a Trust volunteer and/or National Office staff. The committee will inform the complainant that additional support has been requested and the reasons why.

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 procedure 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 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 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.

1.3. 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.

1.4. Right of appeal

A right of appeal should be offered providing 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.

2 Discipline

This procedure sets out how Beccles u3a will approach problems related to a breach or suspected breach of the agreed Code of Conduct by a member or Trustee. 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 the event of a report of any member or Trustee allegedly breaching the Code of Conduct or if a breach becomes apparent, the Chair will be notified immediately.

In carrying out this procedure, Beccles u3a will ensure the following:

- ◆ Every action will be documented.
- ◆ Disciplinary matters (including the appeals procedure) will be dealt with quickly and fairly.
- ◆ Beccles u3a will strive to de-escalate any situation and to settle the issue without having to resort to formal disciplinary action.
- ◆ Beccles u3a will seek additional support from Trust staff, the Regional Trustee and Trust volunteers, as required. All requests for support will go via the National Office.
- ◆ Confidentiality will be maintained at all times. For more serious issues Beccles
- ◆ u3a will liaise with the Third Age Trust to seek advice and guidance about procedural issues. Sharing of information with the Trust will not constitute a breach of confidentiality due to the affiliation with the Trust. Members involved in the disciplinary procedure will be informed of the Trust's involvement.
- ◆ Decisions will be based on facts and evidence.

The disciplinary procedure will be implemented once all steps that have been taken to resolve matters informally have been unsuccessful and/or where a matter is deemed by the u3a committee to be so serious that the only relevant course of action is to follow the disciplinary procedure.

Confidentiality

All procedures and documents relating to a disciplinary must be kept confidential at all times. Information will only be shared with those who have a genuine need to receive it and this will include Trust staff and volunteers, as required. All situations should be dealt with discreetly and by showing respect for the parties and views involved.

Informal procedure

It is very important to try and resolve disputes amicably and informally. This is more likely to lead to a better relationship between the parties in the longer term.

The Chair will use his/her best endeavours to resolve the problem amicably and quickly, through an informal discussion with the member or Trustee in question.

The Trustee or member will be informed that if any areas of activity that could potentially be of a disciplinary nature are found, they will be requested to attend a meeting with an initial Hearing Committee.

The informal discussion will be clear and all parties should understand their obligations at the end of the meeting.

A confidential written record of the outcome of the informal discussion should be kept by the Chair.

Formal procedure

However, if the initial process is not effective in reaching a solution or if it is felt that the alleged breach is serious enough to require formal disciplinary action, the Chair will appoint two investigating trustees (who are not involved or connected to any party in the alleged breach) to investigate it.

The Chair will appoint a subcommittee of a minimum 2/3 committee members (where possible) to hear the alleged breach.

The result of these investigations must not be disclosed to any other Trustees, at this stage, in order to not bias any appeal. The timetable for the date of the meeting to hear the breach of code of conduct will be short, preferably within 14 days from the date that the Chair is first advised.

A letter will be sent to the member/Trustee who is alleged to have breached the Code of Conduct for the purpose of:

- ◆ Advising they are subject to a formal disciplinary procedure.
- ◆ Advising them of what constitutes the alleged breach of Code of Conduct.
- ◆ Asking for their response to the breach in writing.
- ◆ Advising them of the date of the breach 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, if they wish, who will also be
- ◆ bound by confidentiality.

If the member/Trustee advises that there are witnesses to the incident(s) who are willing to give representations, they will ask those witnesses to contact the subcommittee to agree to giving a statement relating to the specific incident(s) that they have witnessed. It is important that any statements taken are a factual representation of what the witness says. The statement should not be an interpretation or opinion of what he/she says.

The Hearing Committee

The Hearing Committee will be the members of the Committee appointed by the Chair.

The initial Hearing Committee will examine the matter, considering any written statements submitted, verbal statements and any mitigating circumstances. From this the Hearing Committee will agree whether any disciplinary action has taken place.

The full Committee may be told that a disciplinary procedure has been initiated and is being dealt with, but not given any of the detail. This is necessary in order not to bias any appeal that they may be required to hear at a later date.

Note: If the Chair of the Committee is suspected to have breached the Code of Conduct, 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 or request attendance from Third Age Trust staff or Trustees.

The initial Hearing Committee may decide there is no breach of conduct in which case they will advise the member or Trustee of this outcome.

If they do feel that the code of conduct has been breached they can consider any of the following possible forms of disciplinary action. Levels 4 and 5 will only be invoked in the case of significant breaches of the code or a persistent repetition of behaviour about which the member or Trustee has previously been warned, such as not complying with the terms of the constitution.

Levels of action

- ◆ Level 1: No case to answer. No further action necessary.
- ◆ 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 initial Hearing Committee. Details of the warning should be recorded, dated and kept on file.
- ◆ Level 3 A written warning from the Chair, on behalf of and agreed by the Subcommittee, itemising the unacceptable behaviour, stating the improvement required with immediate effect and the consequences of continued non-compliance.
- ◆ Level 4 A final written warning as above, which states that if the behaviour is repeated the member or Trustee will be asked to leave the u3a or Committee, with immediate effect.
- ◆ Level 5 The Trustee or member is asked to leave either the Committee or the u3a.

Gross misconduct

If there is a case to answer, for most problems the process 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 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, including asking the Trustee or member to leave.

Decision

The decision should be communicated in writing to the member or Trustee advising him/her if the breach of the code of conduct has been upheld or not upheld.

If the breach 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 breach;
- ◆ That the appeal request must be lodged with the Chair within 14 days from the date the decision is communicated.

Right of appeal

The Trustee or member who is alleged to have breached the Code of Conduct must be informed of their right of appeal at the end of the initial hearing. The appeal, must be lodged within a 7 day period, from the date of the appeal request and must take the form of written representation with the opportunity to attend an appeal meeting for a right of reply. The Trustee or member must be advised of their right to attend with a companion. The written appeal request must be sent to the person chairing the initial hearing.

The Chair should be informed of the intention to appeal by the person chairing the initial hearing. The Chair will then convene a further sub-panel of Trustees who did not hear the original disciplinary, to hear the appeal.

The appeal panel will then hold an appeal hearing to consider any written response and representations in order to make their decision on whether to uphold the appeal or not. This will be independent of the initial hearing and trustees should not discuss this outside of the appeal sub-panel.

If the member or Trustee concerned requests a right of reply to the appeal panel the member or Trustee can be accompanied by a companion who may also speak in a personal capacity, if they wish.

The Chair of the appeal panel will summarise the issues involved in the disciplinary hearing and the information provided and then the member or Trustee will be given the opportunity to speak, along with their companion if the companion wishes to speak.

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

The Committee's decision following any appeal is final and absolute confidentiality must be maintained.

3 Grievance – *(matches the current specimen from the Third Age Trust)*

In any organisation, problems and grievances will 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 Beccles u3a will approach problems and grievances, to ensure they are dealt with in this way. All parties are encouraged to take a problem-solving approach to achieve resolution.

In dealing with grievances Beccles u3a will ensure the following

- ◆ All action taken will be documented.
- ◆ Grievances (including the appeals procedure) will be dealt with quickly and fairly.
- ◆ Beccles u3a will try to de-escalate the situation and try to settle the issue without having to resort to formal action.
- ◆ Confidentiality will be maintained at all times. For serious issues Beccles u3a 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 Beccles u3a's affiliation to the Trust. Members involved in grievance procedures will be informed of the involvement of the Trust.
- ◆ All communication will be based on fact and evidence provided.

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.

Problems for a group convenor 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 convenor will be able to resolve the situation informally and amicably just by 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 convenor 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 convenor should refer the matter to the Vice-chairman or, if responsibilities have changed, the Trustee on the committee designated to deal with complaints/grievances. The group convenor should not allow a situation to continue which impacts on the enjoyment of other members of the group.

Group Convenors should not have the authority to exclude a member from the group permanently. That decision must be made by the Committee and should a convenor 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 convenor 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 Convenor

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

Problems within the u3a 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

These 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 Vice-chairman 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 Vice-chairman 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 Vice-chairman 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 and should not be published on the 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 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 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