

COMPLAINTS - RESPONSIBILITIES OF THE COMMITTEE

Complaints should be taken to the Chairman of the West Wolds U3A and may include complaints from members or Trustees 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 WW U3A committee will ensure that all actions will be documented and complaints (and appeals) will be dealt with quickly and fairly, and will try to de-escalate the situation and settle issues without having to resort to formal action, where possible.

Confidentiality will be maintained, and information will only be shared with those who have a genuine need to receive it including Trust staff and volunteers, as required. For more serious complaints, the committee may need to liaise and share information with the Third Age Trust. This will not constitute a data breach due to the WW U3A's membership of and affiliation to the Trust.

Decisions made will be based on the facts and evidence gathered. Possible actions can be found on later pages.

INFORMAL PROCESS

In most cases, it is hoped that complaints can be dealt with informally but if deemed a possible breach of the Trustee Code of Conduct, then the Formal process should be followed.

Depending on what the issue is, a decision will be made on who is the best person to attempt a resolution 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 appropriate. For issues involving committee members another committee member could attempt to mediate and try to find a solution.

The investigator will hold a discussion with all relevant parties in order to understand the problem and hear all views. The parties may put their concerns/complaints in writing and this is often helpful. If there are several people involved with the complaint, it may be appropriate to speak with others mentioned so a full picture is obtained.

The purpose of the informal meetings will be to summarise the situation with both parties, attempting to reach a mutually satisfactory outcome, agree any changes to ensure that the situation does not happen again and clear the air. If there is a case to answer but that 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 to the Chair of the WW 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.

FORMAL PROCESS

If the Informal process is not effective in reaching a solution or the alleged breach/complaint is serious enough to require formal disciplinary action, the WW U3A Chair will appoint two investigating trustees (who are not involved or connected to any party in the alleged breach) to investigate it. The result of these investigations must not be disclosed to any other Trustees at this stage, in order to not bias any appeal.

The date of the meeting to hear the complaint should be within 14 days from when the Chair is first advised. The complainant will be asked to put the complaint in writing providing relevant information with specific dates and times where possible.

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.

The investigation 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; including the letter of complaint, any supporting documentation or other member statements. The lead Trustee's 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, or whatever outcome is deemed the most appropriate as a solution. Other possible courses of action are detailed on Page 4.

DECISION

The investigators decision will be communicated in writing to both parties and if the complaint has been upheld, the letter will also specify what action will be taken as a result.

RIGHT OF APPEAL

In all cases a right of appeal should be offered providing it is lodged within a 7 day period from the date of the decision being provided. The appeal needs to be in writing for the committee to consider and may be lodged by either party/ies.

For the appeal, the Chair will convene a meeting of up to 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, and if accepted 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, 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 both parties.

The Flowchart at Appendix 1 outlines both processes.

DISCIPLINARY PROCESS

In the case of a Trustee breaking the Code of Conduct a letter will be sent to the Trustee who is alleged to have breached it 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 investigators 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 Trustee advises that there are witnesses to the incident(s) who are willing to give representations, they will be asked to give a statement to the investigators regarding 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 investigators will examine the matter, considering any written and verbal statements submitted and any mitigating circumstances. From this they 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 may decide there is no breach of conduct in which case they will advise the member or Trustee of this outcome.

If they 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 Trustee has previously been warned, such as not complying with the terms of the constitution.

DISCIPLINARY PROCESS

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 investigators. 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 investigators, 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

In the case of an extremely serious proven misconduct, 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. In some cases, the relevant authorities may have to be informed (eg Police).

DECISION

The decision should be communicated in writing to the member or Trustee advising them if the misconduct has been upheld or not upheld.

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

Appendix 1 Flowchart

