

Pembury U3A Grievance and Complaint Procedures

Grievance Procedure

1. Responsibilities of the Management Committee

This procedure sets out how our U3A will deal with grievances related to a breach or suspected breach of our Terms and Conditions of membership by a member or a breach or suspected breach of a Committee member's responsibilities as a trustee of our U3A

Grievances should in the first instance be made promptly in writing to the Chair of our U3A (email: chair@pemburyu3a.org) but if they concern the Chair personally they should be made to any other member of our Management Committee (contact details are on membership cards and on our website)

In carrying out this procedure, our U3A's Management Committee will follow these principles:

- Document its decisions.
- Deal with matters promptly, fairly and consistently.
- Strive to de-escalate any situation and to settle the issue without having to resort to formal action, where possible.
- Seek additional support from the Third Age Trust's staff, or (via the Trust) the Regional Trustee and Trust volunteers, as required.
- Maintain confidentiality at all times so far as it is possible to do so . For more serious matters our U3A will liaise with the Third Age Trust to seek advice and guidance about procedural issues if required and will inform members concerned in the process of the Trust's involvement.
- Make decisions based on facts and evidence.

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

2. Informal procedure

It is hoped that minor grievances can be dealt with amicably and informally as detailed below:

- Depending on what the issue is, a decision should be taken by the Committee as to who the best person is to lead on attempting to resolve the situation informally. Normally the lead will be the Chair unless the grievance concerns the Chair personally in which case the Vice Chair will either be the lead or will choose the lead. If an issue has arisen between two members in an interest group then the group leader may be the best person supported by the Interest Groups' Coordinator. For issues involving any Committee member it is essential that another Committee member is appointed to try and mediate 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 identified to lead should 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 be requested to detail their grievance or complaint in writing and, for the sake of clarity, this is often helpful.

- If there are several people who are the subject of the grievance or who have raised their concerns it will normally be appropriate for the lead to speak with them all to obtain as full a picture as possible.
- The purposes of the informal meetings will be for the lead to seek to summarise the situation with all concerned, attempt to reach a mutually satisfactory outcome, and agree any changes required to ensure that the situation does not happen again and clear the air.
- If the lead feels 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. The lead should report confidentially in writing on the agreed outcome to the Chair or other Committee member(s) who appointed the lead.
- On the other hand if the lead feels that the situation warrants a more formal approach or a specific course of action (e.g. exclusion of a member from an interest group) or if the person(s) raising the grievance wishes the matter to be dealt with formally, then the lead should report this in writing, to the Chair (or other Committee member(s) who appointed the lead) including a summary of the grievance, any steps already taken to deal with the issue and any action that the parties involved consider necessary to resolve it.

3. Formal procedure – Grievances

3.1 Initial Steps

NB If the Chair is the subject of a grievance, then the Vice Chair will replace the Chair in the procedure set out below. 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 a Regional Trustee.

If the informal procedure is not effective in reaching a solution or if it is felt by the Committee that the alleged conduct is serious enough to require formal action, the Chair will appoint at least one of the Committee members to investigate it. The appointee(s) must not have been involved or connected with any party who has raised the grievance or is the subject of it. At this stage the investigations should not be disclosed to any other Committee member.

A subcommittee of at least 2 other Committee members (where possible) should be appointed by the Chair to hear the grievance on a date which should, if at all possible depending on the availability of all concerned, be within 14 days of the date of the subcommittee's appointment.

The investigator appointed by the Committee will send a letter to the individual who is the subject of the grievance:

- Confirming that is the case
- Detailing the grievance
- Asking for their written response
- Informing them of the proposed date of the hearing.
- Advising that they can also attend the hearing 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 subject of the grievance advises that there are relevant witnesses who are willing to give statements, those witnesses will be asked to contact the subcommittee to provide their statements to the investigating Committee member. It is important that any statements taken are a factual representation of what each witness says without inclusion of any interpretation or opinion given by the subcommittee of what he/she says.

3.2 *The Hearing*

The Hearing subcommittee will examine the matter, considering any written statements submitted, verbal statements from any relevant party, and any mitigating circumstances. From this the subcommittee will agree whether the grievance is justified and decide what action to take in respect of the subject of the grievance.

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

If the Hearing subcommittee feel that the grievance is justified they can consider any of the following possible forms of action:

(i) 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 subcommittee. Details of the warning should be recorded, dated and kept on file.

(ii) 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

(iii) A final written warning as above but stating that if the behaviour which was the subject of the grievance is repeated the member will be required to leave our U3A and/or step down from the Committee, in each case with immediate effect.

(iv) The subject of the grievance is required to leave our U3A and/or step down from the Committee.

While in most cases actions (i) or (ii) may be judged sufficient sanctions, actions (iii) or (iv) should be considered by the subcommittee in cases of serious proven misconduct including

- Harm, abuse or neglect of a vulnerable member
- 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.

3.3 *Decision*

The decision should be communicated in writing by the subcommittee to both the subject of the grievance and the member(s) who raised the issue advising them if the grievance has been upheld as justified or not upheld.

If the grievance is upheld as justified, the above communication will also state:

- the action that will be taken as a result;
- the subject of the grievance's right of appeal such appeal to be lodged in writing with the Chair within 14 days from the date the decision is communicated.
- the right of the subject to attend the appeal meeting with a companion.

3.4 Right of appeal

The subject of a grievance may appeal against the hearing subcommittee's decision such appeal to be in the form of written representation with the opportunity to attend an appeal meeting for a right of reply.

The Chair will then convene an appeal panel (from those Committee members who did not deal with the earlier hearing) 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 the panel must not discuss the appeal with anyone else.

If the subject of the grievance requests a right of reply to the appeal panel the subject can be accompanied by a companion who may, if they wish, also speak in a personal capacity at the appeal hearing.

The appeal panel will decide for themselves who will be appointed to chair it. The appointee will summarise the issues involved in the hearing and the information provided before giving the subject of the grievance 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 to the subject of the grievance within 7 days of the appeal meeting.

The appeal panel's decision following any appeal is final.

Complaint Procedure

In the event of a complaint from a member or a third party about any other aspect of how our U3A or any of its Interest Groups or other activities are organised and which is not a grievance as defined in the Grievance Procedure, that complaint should in the first instance be made promptly in writing to the Chair of our U3A (email: chair@pemburyu3a.org) but if it concerns the Chair personally it should be made to any other member of our Management Committee (contact details are on membership cards and on our website).

Following receipt of a complaint our Management Committee will follow the same principles as set out in Section 1 of the Grievance Procedure and attempt to deal with the matter informally in similar terms to those contained in Section 2 of the Grievance Procedure. If that does not resolve the matter the Committee will then determine a method of formal resolution which is appropriate according to the nature of the complaint.

Approved by the Committee 1 June 2020