Thorley U3A - Complaints Procedure

1. Related documentation

Disciplinary Procedure.

2. The difference between a Complaints and a Disciplinary 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 Thorley U3A will approach problems related to a breach or suspected breach of the agreed Code of Conduct by a member or Trustee.

3. 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 Thorley 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, Thorley U3A Committee will ensure:

- All actions will be documented.
- Complaints will be dealt with quickly and fairly.
- The 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 Thorley U3A's membership of and affiliation to the Trust.
- Decisions made will be based on the facts and evidence gathered.

3.1. 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 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 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 Thorley 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.

3.2. Formal process

Where someone wishes to raise a formal complaint, they 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 disciplinary the letter should confirm that the disciplinary procedure will be followed.
- if the complaint is deemed to not involve a 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.

3.3. 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.

3.4. 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 themselves). 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 they wish to take this up then they 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.