

## BRISTOL u3a COMPLAINTS PROCEDURE

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### 1. Introduction

1.1 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 sensitively. In the first instance, complaints should be directed towards the Group Coordinator for the Group in question. However, if it is of a serious nature, such as potentially relating to safeguarding, it should be referred urgently and directly to the Bristol u3a Chair/Executive Committee.

1.2. Complaints may also be about u3a members that have arisen from an external organisation or individual. Depending on the nature of the complaint, the Chair/Executive Committee will make a decision as to how best to approach reaching a resolution.

1.3 Potential issues or complaints that might arise could include for example:

- (a) inappropriate behaviour at an interest group.
- (b) inappropriate behaviour at meetings.
- (c) a conflict between a member and another member that results in the complainant feeling that they have been treated unfairly or inappropriately.
- (d) inappropriate behaviour towards the Executive Committee, or by a Trustee, or between Trustees.

1.4 In dealing with these issues, the following **Principles** must be followed and the Bristol u3a **Code of Conduct** adhered to:

- (a) issue resolution should normally be at the level raised and only escalated if not resolved, or of a serious nature.

- (b) all issues will be dealt with as quickly as possible, fairly, and be fully documented throughout.
- (c) whenever possible, the Group Coordinator or Chair/Executive Committee will try to de-escalate the situation and settle issues amicably without having to resort to formal action.
- (d) for more serious issues, the Chair/Executive Committee may need to liaise and share information with the Third Age Trust, seeking advice and guidance about procedural issues. This will not constitute a data breach due to the u3a's membership of and affiliation to the Trust.
- (e) the complainants should be kept fully informed of the process at all stages.
- (f) decisions made will be objectively based on facts and evidence gathered.
- (g) everyone involved will be treated with respect and dignity.

## **2. Confidentiality**

2.1 All procedures and documents must be kept confidential at all times, and destroyed 3 years after the case is concluded. Information will only be shared with those who have a genuine need to receive it and this may include Trustees, the Third Age Trust, and certain volunteers, but only if required.

2.1 All situations should be dealt with discreetly and by showing respect for the parties involved and views expressed.

## **3. Summary of Process to be Followed**

NB: It is assumed that, for the purposes of this Procedure, two parties are involved, but it is recognised that this will not be true in every case.

3.1 In summary, the process to be followed, as set out in this Procedure, should normally be:

- (a) intervention by a Group Coordinator aiming to achieve an amicable solution.
- (b) if that is unsuccessful, an informal Mediator should be appointed by the Chair who speaks to both parties and again tries to achieve an amicable solution.

- (c) if the informal route has been fully exhausted, it will need to be dealt with formally, and the Chair will appoint two Investigating Officers (normally Trustees) who will gather together all the available evidence, and pass it to a Hearing Sub-Committee.
- (d) the Chair will appoint three members to the Hearing Sub-Committee who will consider all the evidence, invite the parties to a hearing, and clearly decide on the outcome of the case.
- (e) if a party involved is dissatisfied with the outcome or process, there is a Right of Appeal. The three members of the Appeal Panel will be appointed by the Chair, and will make a final decision on the case.

#### 4. Informal Process (paragraphs 3(a) and (b) above)

4.1 In most cases it is hoped that complaints can be dealt with informally and resolved amicably. As indicated above, if the case is of a serious nature then this should immediately be referred directly to the Chair/Executive Committee.

4.2 Initially, the complaint will be addressed by the Group Coordinator who covers the relevant 'region' of greater Bristol. The Coordinator, in a supportive role, will attempt to bring the parties together with the purpose of holding an informal discussion and hearing the differing points of view to see if there is a way forward to achieve an amicable resolution.

4.3 If this approach seems unlikely to succeed, then the Coordinator should inform the Chair who can appoint an informal **Mediator** - this can be a Trustee or another 'senior' member of Bristol u3a. The Mediator should speak separately to both parties, giving them the opportunity to make written submissions. If it is feasible, the Mediator should bring the two parties together to see whether an amicable solution can be achieved particularly as this will avoid having to progress to the formal process, which can be challenging and time-consuming for everyone involved. The Mediator will seek to summarise the situation with both parties enabling the air to be cleared, and they should be specific about any required changes by both parties to ensure that it does not happen again.

4.4 As indicated above, the case should be fully documented throughout, treated as strictly confidential, and the complainants and Chair should be kept fully informed of progress throughout.

4.5 There are two possible **outcomes** for the informal process, as follows:

(a) the Group Coordinator/Mediator, together with the parties involved, may and will hopefully ensure this issue has been satisfactorily resolved. They will need to make it clear to one or both parties that there must nevertheless be no repetition of the actions or behaviour that led to the problem.

(b) Alternatively, it may be considered that, after every effort has been made to resolve the complaint informally and amicably, this process has not been successful, and therefore it needs to be dealt with formally, as a last resort. This will be a decision for the Chair, in consultation with the Mediator.

## **5. Formal Process** (paragraphs 3(c) and (d) above)

5.1 The Chair will initially appoint two **Investigating Officers** who will normally be Trustees, but could, for example, be senior members of Bristol u3a. The role of the Investigating Officers is solely to gather together all the available evidence, and to then pass it to the three members of a Hearing Sub-Committee.

5.2 This will primarily be all the documentation, including emails and submissions by the Coordinator/Mediator and complainants from the informal process that has previously been followed. The Investigating Officers will organise all the evidence so it is in chronological order, and is straightforward to follow and understand by the members of the Hearing Sub-Committee. Again, this should be treated as confidential, and the complainants and Chair kept fully informed of progress.

5.4 The three members of the **Hearing Sub-Committee**, again normally Trustees, will be appointed by the Chair of Bristol u3a. However, it may be decided, on the advice of the Third Age Trust, that the members of the Sub-Committee will be external, normally representatives of the u3a SW Region. If the Sub-Committee comprises external u3a representatives, it will be necessary for Bristol u3a Executive Committee formally to delegate its powers to the Sub-Committee.

5.5 The role of the Hearing Sub-Committee will be to consider carefully all the evidence, invite the parties to attend a hearing and/or submit further written representations, and crucially, to make a clear decision on the outcome of the case.

5.6 The Hearing Sub-Committee will send emails, normally within 10 days of their appointment, to the complainants, for the purposes of advising them:

- of the formal process being followed
- of the date and venue of a hearing to state their case, to which they can bring a

companion, if they wish, who will also be bound by confidentiality -that they can add to their previous written representations.

5.7 If either party involved advises that there are witnesses to the incident(s) who are willing to give representations, they will ask those witnesses to contact the Hearing Sub-Committee to agree to make a statement about what they have witnessed.

5.8 The Hearing Sub-Committee will also consider any disciplinary action previously taken against either party, but they will not be provided with the detail. This is necessary in order not to bias any appeal that they may be required to hear at a later date.

5.9 Having considered all the evidence, the Hearing Sub-Committee will come to a clear decision as to whether the complaint is upheld or not upheld. The Sub-Committee will have a range of sanctions available, as follows:

**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 Hearing Sub-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 Sub-Committee, 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/Trustee will be asked to leave Bristol u3a or the Executive Committee, with immediate effect.

**Level 5**

The Member/Trustee is asked to leave either the Executive Committee and/or Bristol u3a. In these circumstances, the Member or Trustee would only be readmitted to Bristol u3a and/or the Executive Committee on a date at least 12 months later, if the Executive Committee were in full agreement that it was in the interests of Bristol u3a to do so.

## **Gross Misconduct**

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 Bristol u3a into disrepute or is prejudicial to the u3a or the running of the u3a.

the Executive Committee or Hearing Sub-Committee has the right to move immediately to Levels 4 or 5, including asking the Member/Trustee to leave Bristol u3a. Reference should be made to the Bristol u3a Safeguarding Policy, and advice sought from the Third Age Trust, in these circumstances.

5.10 The Decision will be communicated in writing to both parties involved, the Chair of Bristol u3a, and any other party included in the issue raised. The receipt of the Decision should be requested from all parties. If the issue has been upheld, the email will also specify what action will be taken as a result.

5.11 Any meetings must be minuted and remain confidential to the Sub-Committee until after any Appeal has been concluded.

## **6. Right of Appeal** (paragraph 3(e) above)

6.1 A Right of Appeal will be offered providing it is made within a 7 day period from the date of the Hearing Sub-Committee decision being made available to the complainant and the party against whom the complaint has been made.

6.2 The three members of the Appeal Panel, again normally Trustees or senior Bristol u3a members who have not previously been involved in the case, will be appointed by the Chair. However, it may be decided, on the advice of the Third Age Trust, that the members of the Panel will be external, normally representatives of the u3a SW Region. Again, if it is being heard externally, Bristol u3a Executive Committee will need to formally delegate its powers to the Panel. The Appeal Panel will be independent of the initial hearing and its members should treat all the proceedings and evidence as confidential.

6.3 The grounds for the Appeal need to be put in writing for the Appeal Panel to consider. An Appeal can be brought either by the person who made the complaint or by the person against whom the complaint has been made.

6.4 Both parties have the right to make representations to the Appeal Panel and

will be offered the option to attend with a companion who may also speak in a personal capacity.

6.5 The Chair of the Appeal Panel will summarise the issues involved in the original hearing and the information provided, and then any of the parties involved will be given the opportunity to speak, together with their companion.

6.6 The Appeal Panel will review the decision of the Hearing Sub-Committee based only on the facts included in the original hearing. The decision of the Appeal Panel is **final**.

6.7 All of the Principles referred to in the Procedure under paragraph 1.4 above will again apply in relation to the Right of Appeal, including confidentiality, the parties being kept fully informed throughout, and all of the proceedings being fully documented.

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