

Reading u3a Complaints Policy and Procedure

Purpose

This policy and procedure sets out how Reading u3a will approach complaints from members or from an external individual or organisation relating to a matter arising from a Reading u3a activity or the behaviour of a Reading u3a member. The procedure is intended to ensure any issues are dealt with promptly, fairly and consistently.

Context

In any organisation, complaints will occur from time to time and it is important that members and non-members know where to turn for help, advice and support so that, whatever the issue, it can be dealt with quickly, objectively and appropriately.

The trustees of a charity are responsible for the running of their charity and it is fair and appropriate that individuals or organisations raise their concern with them first. This gives the trustees the opportunity to explain misunderstandings or to put things right if something has gone wrong.

The complaint may relate to a breach or suspected breach of the constitution or policies or of the Conditions of Membership set out in the membership application form. Depending on the nature and source of the complaint, the Chair will make a decision as to how best to approach reaching a resolution.

Principles

All parties are encouraged to take a problem-solving approach to achieve resolution.

In carrying out the procedure, Reading u3a will ensure the following:

- The u3a committee will try to de-escalate the situation and, where possible, to settle the issue without having to resort to formal action.
- Complaints (and any appeals) will be dealt with quickly and fairly.
- Confidentiality will be maintained at all times.
- Every action will be documented.
- Decisions made will be based on the facts and evidence gathered.

For more serious complaints, the committee may need to liaise with and share information with the Third Age Trust. This will not constitute a breach of confidentiality as it is implicit in the u3a's membership of and affiliation to the Trust.

The trustees will not normally investigate anonymous complaints unless it is evident that there would be a significant risk to the complainant or another person if the complainant was identified.

Procedure

1. Responsibility for complaints

In the first instance, complaints should be addressed to the Reading u3a Chair. If the Chair is implicated in the matter of the complaint, the complaint may be addressed to the Vice-Chair or Secretary. In such cases references to 'Chair' below include whoever replaces the Chair in the complaints procedure.

2. Confidentiality

All procedures and documents relating to a complaint must be kept confidential at all times. Information will only be shared with those who have a genuine need to receive it. All situations should be dealt with discreetly and by showing respect for the parties and views involved. The full committee may be told that a complaints 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.

3. Informal procedure

- Trustees will use their best endeavours to resolve the problem amicably and quickly, through an informal discussion with the members or other parties involved. This is more likely to lead to a better relationship between the parties in the longer term.
- Depending on what the issue is, a decision should be taken by the Chair as to who the best person is to lead on attempting to resolve the situation informally. If the complaint concerns group arrangements or an issue has arisen between two members in a group then the group convenor 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 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 in the matter of the complaint it may be 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, attempt 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 or 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 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.
- A confidential written record of the outcome of the informal discussion should be kept by the Chair for as long as the complainant is a member of Reading u3a.

4. Formal procedure – initial steps

- The formal procedure will be implemented once all steps that have been taken to resolve the matter informally have been unsuccessful and/or where a matter is deemed by the u3a Chair to be so serious that the only appropriate course of action is to follow the formal procedure.
- The Chair will appoint a trustee who acts as the designated trustee for managing the complaint. The designated trustee will send an email or letter to the complainant confirming receipt of the complaint.
- 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 will also be asked what outcome they are hoping to achieve by making the complaint, for example, whether they would be prepared to accept an apology. The designated trustee will 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.

5. Formal procedure - investigation

- The trustee designated to manage the complaint will undertake an investigation of the complaint. Where appropriate the Chair may appoint a further trustee (who is not involved or connected to any party in the subject of the complaint) to jointly undertake the investigation. This will include gathering information and conducting interviews related to the complaint.
- If the complainant advises that there are witnesses to the incident(s) who are willing to give representations, the complainant may ask those witnesses to contact the investigators to agree to give a statement relating to the specific incident(s) that they have witnessed. It is important that any statements are a factual representation, not an interpretation or opinion of what happened.
- The investigation will identify which policies, rules or conditions of membership the complainant considers have been breached.
- The person(s) against whom the complaint has been made will be informed about the basis of the complaint. This will include the email or 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 not to bias any appeal.

6. Formal procedure - hearing panel

- The Chair will appoint a panel consisting of three trustees to hear the alleged complaint. The trustee who investigated the complaint may not be a member of the panel, but if the trustee designated to manage the complaint has not undertaken the investigation then that trustee may be a member of the panel.
- If it is not possible to appoint three trustees who are not implicated in the matter of the complaint, the Chair may ask former trustees who agree to be bound by the conditions of confidentiality or trustees from a neighbouring u3a or may seek advice or request attendance from Third Age Trust staff or trustees.
- The timetable for the date of the meeting to hear the complaint will be short, preferably within 14 days from the date that the Chair is first advised of the formal complaint.
- Where the complaint is against a specific member, an email or letter will be sent to the member to:
 - advise them that they are subject to a formal complaints procedure;
 - ask for their response to the complaint in writing;
 - advise them of the date of the hearing;
 - advise them that they can also attend the panel meeting to state their response in addition to their written response;
 - advise them that they may choose to bring a companion, if they wish, who will also be bound by confidentiality.
- The panel will examine the matter taking into consideration the outcome of the investigation, any written statements received, verbal statements, any mitigating circumstances and the relevant conditions of membership, policies or rules.
- The chair of the panel will then inform the complainant and the member complained against that they will be informed of the panel's decision in writing and the panel will then withdraw to reach its decision without others present.
- A member of the hearing panel will keep a record of the meeting, which will be agreed with the other members and passed to the Chair of the committee for safekeeping.

7. Formal procedure - decision

- The panel will agree whether any conditions of membership, policies or rules have been breached and determine what action should be taken based on the 5 levels below.
- The panel decision on whether the complaint has been upheld or not upheld will be communicated in writing to both the member or external party who raised the complaint and the member against whom the complaint has been made. If the complaint has been upheld, the email or letter will also specify what action will be taken as a result.
- If the complaint has been upheld, the member complained against 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.

8. Formal procedure - levels of action

If the complaint has been upheld, the panel will decide which of the following actions should be taken:

Level 1 No further action necessary (for example, if the issue has been resolved as part of the complaints procedure) or, where the complaint concerns arrangements for an activity, an instruction may be given for a change of procedure.

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 panel chair should give the warning on behalf of the panel.

Level 3 A written warning from the Chair of the 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 will be asked to leave the u3a or the committee with immediate effect and will not be eligible to stand again.

Level 5 The member is asked to leave either the committee or the u3a.

In all cases details of the action will be recorded, dated and kept on file by the Chair of the committee for as long as the complainant is a member of Reading u3a.

9. Formal procedure – gross misconduct

Levels of action 4 and 5 will only be invoked in the case of significant breaches or a persistent repetition of behaviour about which the member has previously been warned, such as not complying with the terms of the constitution. In the case of an extremely serious proven breach of the constitution or the conditions of membership or 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 Level 4 or 5, including asking the member to leave the u3a immediately.

10. Right of appeal

- The member against whom a complaint has been upheld 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 member must be advised of their right to attend with a companion. The written appeal request must be sent to the person chairing the hearing panel.
- The Chair of the committee should be informed of the intention to appeal by the person chairing the initial hearing. The Chair will then convene a further panel of trustees (which may include the u3a Chair) who did not hear the original complaint to hear the appeal. If it is not possible to appoint two trustees who are not implicated in the matter of the complaint, the Chair (or whoever is acting as Chair for this purpose) may choose to ask former trustees who agree to be bound by the conditions of confidentiality or trustees from a neighbouring u3a or may seek advice or request attendance from Third Age Trust staff or trustees.
- The purpose of the appeal panel is not to rehear the complaint. Its task is:
 - to review how the complaint has been investigated,
 - to determine whether this has been conducted fairly and in line with this Complaints policy,

- to make recommendations which will reassure the complainant that Reading u3a has taken the complaint seriously.
- The appeal panel will hold an appeal hearing and consider any written response and representations in order to reach their decision on whether to uphold the appeal or not. Trustees should not discuss this outside of the appeal panel.
- If the member concerned requests a right of reply at the appeal panel hearing the member can be accompanied by a companion who may also speak in a personal capacity if they wish.
- The appeal panel chair will summarise the issues involved in the initial hearing and the information provided and then the member will be given the opportunity to speak, along with their companion if the companion so wishes.
- The appeal panel will determine its decision based on the criteria above, considering any mitigating circumstances, and then make a final decision which must be communicated in writing within 7 days of the appeal meeting.
- The panel's decision is final and absolute confidentiality must be maintained.

Roles and responsibilities

Complaints should be addressed to the Reading u3a Chair. If the Chair is implicated in the matter of the complaint, the complaint may be addressed to the Vice-Chair or Secretary. The Chair will appoint a trustee to manage the complaint.

Monitoring and review

In order to keep the procedure effective and appropriate it will be reviewed by the trustees involved after every complaint hearing has been completed and adjustments proposed to the committee where needed. A full review of the policy and procedure will be undertaken every 5 years.

Adopted by Reading u3a on: 19 June 2023

Review due: June 2028