



To provide a complaints procedure for Islington u3a.

In this document —

Chair means the Chair of Islington u3a, or another person acting in their place pursuant to clause [4.2 a]

Code means the Islington u3a Member Code of Conduct

Committee means the Executive Committee of Islington u3a

Member means a member of Islington u3a

Trust means the Third Age Trust (national u3a)

Trustee means a trustee of Islington u3a

## **2. Scope**

Relevant to all Islington u3a members and any non-member complainant.

## **3. The difference between a complaint and disciplinary procedure**

Complaints procedure: this may include complaints from members or complaints from an external organisation or individual.

Disciplinary procedure: this sets out how Islington u3a will approach problems related to a breach or suspected breach of the Code by a member or trustee.

If a complaint is deemed to relate to a breach or suspected breach of the Code, it will be dealt with under the Disciplinary procedure. If the complaint does not appear to be a breach or suspected breach of the Code it will be dealt with under this Complaints procedure.

## **4. Complaints procedure**

### **4.1. General**

The committee will use its best endeavours to ensure the following, (but all parties relying on this procedure acknowledge that all Trustees and members of Islington u3a are volunteers acting in their spare time. Islington u3a has no paid staff):

- All actions are documented.
- Complaints are dealt with quickly and fairly.
- Confidentiality will be maintained.

- For more serious complaints, the committee may liaise with and share information with the Trust. This will not constitute a data breach due to Islington u3a's membership of and affiliation to the Trust.
- Decisions made will be based on the facts and evidence gathered.

#### **4.2. Initial investigation**

- a. In the first instance, complaints should be directed to the Chair, unless the Chair is personally involved, in which case the complaint should be referred to the Secretary. In that case the Secretary will act in place of the Chair, or designate another Trustee to do so.
- b. The Chair will decide whether the complaint will be dealt with under the Disciplinary procedure or under this Complaints procedure. In order to do so, the Chair will seek to:
  - establish the facts quickly, consulting anyone involved,
  - have an informal discussion with all concerned to summarise the problem, and hear everybody's views.
- c. The Chair may delegate this initial investigation to another Trustee. If so, the delegate trustee will report the facts found to the Chair.
- d. The Chair must then decide whether the complaint arises from a breach or suspected breach of the Code, which should be dealt with under the Disciplinary procedure, or whether it is a complaint that can be dealt with under this procedure.
- e. If the Chair decides that the complaint is a Disciplinary procedure matter, they must inform the complainant of this decision as soon as possible.
- f. If the complainant concurs, the complaint will forthwith be dealt with under the Disciplinary procedure, and this Complaints procedure no longer applies.
- g. If the complainant indicates that they do not wish the complaint to be dealt with under the Disciplinary procedure, the Chair may agree to retain the complaint to be dealt with under this procedure if the breach appears to be minor.
- h. If the Chair decides that the breach of the Code was sufficiently serious to warrant escalation to the Disciplinary procedure, they must inform the complainant and thereafter deal with the complaint in accordance with the Disciplinary procedure.
- i. If the Chair decides that the complaint can be dealt with under this Complaints procedure, it will proceed as follows.

#### **4.3. Informal procedure**

- a. In most cases, complaints can be dealt with informally. The Chair will decide who is the best person to try to resolve the situation informally.
- b. If an issue has arisen between two members in a group then the Group Leader supported by the Groups' Coordinator, may be asked to lead. Group Leaders do not have the authority to take any disciplinary action.
- c. For issues involving trustees, another trustee should be asked to attempt to mediate and try to find a solution.
- d. The Trustee identified to lead on the informal stage will hold an informal discussion with all relevant parties. The purpose of this is to understand the problem and hear each party's views. The parties may put their concerns or complaints in writing but are not obliged to at this stage.
- e. The Trustee will summarise the situation to 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.
- f. If all parties are willing to accept the agreed outcome, it must be made clear that there should be no repeat of the actions/behaviour and that no further action is necessary.
- g. If the Trustee leading the informal stage concludes that the situation warrants a more formal approach or a specific course of action, or if the person raising the complaint wishes to lodge a formal complaint, the matter must be referred to the Chair.
- h. At this stage the Chair must re-consider the facts presented, and decide whether the complaint continues under this Complaints procedure, or under the Disciplinary procedure.

#### **4.4. Formal process**

- a. A formal complaint must be made in writing to the Chair stating that this is a formal complaint. The complainant must provide as much information as is relevant and give specific dates and times where possible. The complainant can 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.
- b. The Trustee who led the Informal stage will provide 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.
- c. The Chair will appoint a Complaints Panel of two Trustees who were not involved in the Informal Process to further investigate the complaint.
- d. The Complaints Panel will then hold a formal hearing to consider the matter, at which relevant parties may speak. The Complaints Panel may take into account any mitigating circumstances and must agree what action to recommend. 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.

#### **4.5. Decision**

- a. The Complaints Panel decision will be communicated in writing to both the complainant and the person complained of within seven days of the hearing.
- b. If the complaint has been upheld, the letter will specify what action is proposed be taken as a result. The letter must also explain the right of appeal.
- c. If no appeal is made as set out below, the decision will be put into effect. Confidentiality must be maintained, but the Chair and trustees must be informed of the decision to the extent that they need to take any action to put the decision into effect.

#### **4.6. Right of appeal**

- a. An appeal must be lodged with the person who chaired the Complaints Hearing within 14 days from the date the decision is communicated. An appeal can be lodged either by the person who made the complaint or by the person against whom the complaint has been made.
- b. Any appeal must take the form of written representations, with the opportunity to attend an appeal hearing.
- c. The parties must be advised of their right to attend with a companion, and that the companion may speak to the evidence if they wish.
- d. The Chair must be informed of the intention to appeal by the person who chaired the Hearing. The Chair will then convene an Appeal Panel made up of trustees who were not Investigating trustees or on the Complaints Panel.
- e. The Appeal Panel will hold an appeal hearing to consider all previous material and any further written and verbal representations in order to make their decision on whether to uphold the appeal or not.
- f. The Chair of the Appeal Panel will summarise the issues involved in the disciplinary hearing and further information provided and then the relevant parties will be given the opportunity to speak.
- g. The Appeal Panel will review all the evidence, consider any mitigating circumstances, and then make a final decision, which must be communicated in writing to the parties within seven days of the appeal meeting.
- d. The Appeal Panel's decision is final. Confidentiality must be maintained, but the Chair and trustees must be informed of the decision to the extent that they need to take any action to put the decision into effect.

## **5. Related documentation**

- Islington u3a Disciplinary Procedure
- Islington u3a Member Code of Conduct