

## Complaints Procedure - Hartlepool u3a

### The difference between a Complaint and a Disciplinary Procedure

**Complaints procedure:** this may include complaints from members about an issue that has arisen or complaints from an external source.

**Disciplinary procedure:** this sets out how the u3a will approach problems related to a breach or suspected breach of the agreed code of conduct by a member or trustee.

### u3a 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 group leader or a member of the committee. Depending on the nature and source of the complaint a decision will be made as to how a resolution can be achieved in the best interest of all concerned.

#### 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 will be taken as to the best person to lead and attempt 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 may be that another committee member attempts to mediate to try and find a solution.
- The initial stage requires checking with the party raising the concern (the complainant) and the person the complaint has been made against (the complainee) 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 the informal stage will hold separate informal discussions with all relevant parties. The purpose being to understand the problem and hear each party's views.
- The parties should put their concerns or complaints in writing for the sake of clarity.
- If there are several people involved with the complaint – it may be considered appropriate to speak to all concerned in order to provide a better understanding and a clear picture of the situation.
- The purpose of the informal meetings will be to summarise the situation with both parties:

- Attempt to reach a mutually satisfactory outcome
- Agree if changes are required
- 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 be no repeat of the actions/behaviour and therefore, no further action will be necessary.
- If, however, the person(s) leading the informal stage feel, 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 should be referred, in writing, to the Chair of the u3a Committee stating that this is now a formal complaint and will include:
  - A summary of the complaint
  - Steps already taken to deal with the issue
  - Any action that the parties involved consider necessary to help resolve the situation
  - The Chair will then raise the issue with the committee as soon as possible.

In dealing with complaints, the u3a committee will ensure:

- All actions to be documented.
- Complaints to be dealt with quickly and fairly.
- The u3a committee will try to de-escalate the situation and settle issues without having to resort to formal action, where possible.
- Confidentiality will be maintained. However, 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 the u3a's membership of and affiliation to the Trust.
- Decisions made will be based on the facts and evidence gathered.

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## Formal process

- Formal Complaint – must be made in writing and to include as much information that may be relevant and also provide specific dates and times – where possible.
- The complainant should be asked as to the outcome they are hoping to achieve by making the complaint, e.g. would they 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 to act as the designated Trustee to manage the complaint.
- The committee may also contact the Third Age Trust and request support from the Regional Trustee.



The committee will inform the complainant and complainee that additional support has been requested and the reasons why.

A letter or email will be sent to the complainant and complainee confirming receipt of the complaint and

- If the complaint is deemed to be a disciplinary, then 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 **Trustees** to lead the investigation. This will include gathering information and conducting interviews related to the complaint. The person/persons against whom the complaint has been made will be informed about the basis of the 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, at least one of whom should have been leading the investigation, to hear the complaint. The timetable for the date of the meeting to hear the complaint will be short, within ten working days. The subcommittee will then consider the matter, taking into account any mitigating circumstances and agree the action to be taken.

## 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.

## 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 complainee.
- The appeal needs to be in the form of a written representation and can include a request for a 'right of reply'.
- An appeal can be lodged either by the person who made the complaint or by the complainee against whom the complaint has been made
- For the appeal, the Chair will convene a meeting of three Trustees including him/herself but should not include those who were involved in the initial investigation.

The person raising the appeal (the complainant or complainee) will be offered a verbal right of reply; should they wish to take this up they will be asked to attend a meeting with the appeal panel and will be offered the option to attend with a companion.



The whole issue will be summarised and the person/s 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 before a final decision is made, which must be communicated in writing to both the original complainant and complainee.

Procedure adopted 3.09.2020.

Policy reviewed 27.01.2023

Policy renewed 29.08.2025

Policy reviewed and adopted: 24.04.2026

Date for review: 24.04.2028