

Grievance

Procedure



The Grievance procedure: should be activated when there is a breach, or suspected breach of the agreed code of conduct by a u3a member or Trustee

In any organisation, problems and grievances will occur from time to time. It is important that whatever the issue, it can be dealt with quickly, objectively and appropriately. All parties are encouraged to take a problem-solving approach to achieve resolution. Responsibility for dealing with grievances (other than those raised by or against the Chair) rests with the Chair and the Executive Committee.

In dealing with grievances Belper & District u3a will ensure the following:

- All situations should be dealt with discreetly and by showing respect to the parties and views involved.
- All action taken will be documented.
- All decisions will be based on fact and evidence provided.
- For serious issues Belper & District u3a may contact the Third Age Trust for support. This may include liaising with the Regional Trustee and/or Trust volunteers supporting the u3a to deal with the issue.
- If the Executive Committee is unable to form a panel Belper & District u3a may contact the Third Age Trust for support. This may include liaising with the Regional Trustee and/or Trust volunteers supporting the u3a to deal with the issue. . This will not constitute a data breach due to the U3A's membership of and affiliation with the Trust.
- If necessary, meetings may be held via Zoom.

Confidentiality

- All procedures and documents relating to a grievance must be kept confidential at all times.
- Information should only be shared with those who have a genuine need to receive it. This may include Third Age Trust staff, Trust volunteer/s and the Regional Trustee. Sharing information with the Trust will not constitute a breach of confidentiality due to Belper & District u3a affiliation to the

Trust. Members involved in grievance procedures will be informed of the involvement of the Trust.

Problems for a Group Coordinator (GC) within an interest group

The GC should try to de-escalate the situation and settle the issue without having to resort to formal action.

In most cases the GC will be able to resolve the situation amicably by having a quiet word with the member or members in question. In certain situations asking a member to leave the group for the remainder of the session to give time for the GC to talk the matter through with them in private may well be the best solution.

If it requires more, or this approach fails and the problem persists, the GC should refer the matter to the Activities Co-ordinator for guidance. The GC should not allow a situation to continue which impacts on the enjoyment of other members of the group.

Problems to be reported immediately to the Activities Coordinator

- Issues involving Executive Committee members
- A member who brings the u3a into disrepute or acts in a way which is prejudicial to the u3a.
- A member who causes damage to property and/or equipment, for example, through misuse or negligence

Problems with a Group Coordinator

Initially, the member or members should try to resolve the problem by discussing it with the GC. However, if this is unsuccessful or if the member or members involved feel unable to do so, the matter should be referred to the Activities Co-ordinator

Problems with the Activities Coordinator

Should be referred directly to the Chair.

Problems with the Chair

If the grievance is against the Chair of the Committee, then the Vice Chair will replace the Chair in the procedure. In this case and in the event of an appeal, the Vice Chair may choose to ask committee members from a neighbouring u3a or seek advice/request attendance from Third Age Trust staff or trustees.

Informal Procedure

Actions to take to resolve an issue informally if not resolved immediately by having a quiet word.

- Clarify the nature of the problem/grievance
- Ask people to cite specific examples of behaviour, with dates where possible
- Discuss with each party concerned to understand the problem and hear each party's views. The parties may decide to put their concerns in writing, and for the sake of clarity this is often helpful.
- Ask how each party would like to see the issue resolved e.g. apology
- Attempt to reach a mutually satisfactory outcome,

It would be helpful at this point to get all the parties together to agree the way forward. It may be appropriate to involve the Activities Coordinator in this meeting if not already involved. If the GC or AC feels that there is a case to answer but that nevertheless it is a minor issue, make it clear to all present that there must be no repeat of the sort of actions/behaviour which led to this problem. In this case no further action is necessary.

Summarise the situation in writing to both parties, be clear about any required changes to ensure it does not happen again, and to clear the air.

If, however, the situation warrants a more formal approach or a particular course of action e.g. exclusion from an interest group, or if the person raising the problem wishes to lodge a formal grievance the matter will be referred, in writing by the aggrieved party, to the Chair of the Committee stating that this is a formal grievance. This should include a summary of the issue and any action that the parties involved consider necessary to resolve it.

The submission should be factual, clear and specific, supported by dates and times, emails and/or witness statements etc. The Activities Coordinator should advise the aggrieved party that a meeting to hear the grievance/ possible breach of the Code of Conduct by a subcommittee will be convened.

Formal Procedure

The formal grievance procedure should only be activated after every effort has been made to resolve the issue informally.

On receipt of the written submission by the aggrieved party the Chair will appoint a subcommittee of 2/3 committee members (where possible) to convene to hear the grievance. The timetable for the date of the meeting will be short, preferably within 14 days.

Letters should be issued to all parties involved advising them of the date of the meeting, they can attend if they choose, they can bring a companion. **(refer to additional guidance)**

The subcommittee meeting

- The meeting must be minuted.
- The minutes must be confidential (these minutes **MUST NOT** be published on our websites or distributed to anyone outside of the subcommittee)

This subcommittee will then consider the matter, taking into account any mitigating circumstances and agree what action to take **(refer to additional guidance)**.

For most problems actions will start at Level 1. However, in the case of an extremely serious proven misdemeanour (refer to additional guidance) the committee has the right to move immediately to Levels 3, 4 or 5.

The subcommittee should record their decision and give reasons for the decision based on the factual information provided in the statements and verbal reports provided.

Decision

The decision will be communicated in writing **to the member against whom a grievance has been made** advising them if the grievance has been upheld or not upheld.

If the grievance has been upheld, they 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 grievance;
- that the appeal request must be lodged within 7 days with the Activities Coordinator or Chair
- The appeal request can be a written submission or a written request for a verbal representation

Right of Appeal

On receipt of an appeal the Chair will appoint a further sub-panel of 2-3 committee members (if possible) who did not hear the original grievance, to hear the appeal. This sub-panel should be independent of the initial hearing and members should not discuss the issue outside of the appeal sub-panel

The sub-panel should convene a meeting to consider the written appeal or to hear a verbal representation.

If it is a verbal representation, the member in question may be accompanied by a companion who may also speak in a personal capacity. During the verbal representation, the whole issue should be summarised and then the member (and their companion) will be invited to speak.

The sub-panel will review its decision, taking into account any mitigating circumstances, and then make a final decision, which must be communicated in writing within 7 days of the appeal meeting

The decision must be minuted and these minutes must be kept confidential.

The Committee's decision following any appeal is final and confidentiality must be maintained. Exceptions to this would be for gross misconduct issues that necessitated informing appropriate authorities and legal advice would be sought by National Office.

Problems / Grievance Additional Guidance

The difference between a complaint, disciplinary and grievance 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: problems related to a breach or suspected breach of the agreed code of conduct by a member or trustee.

Grievance procedure: problems related to a breach or suspected breach of the agreed code of conduct by a member or trustee.

Examples of potential problems / breach of Code of Conduct

- Disruptive and/or unsocial behaviour
- Poor attendance/timekeeping
- Unsuitability
- Failure to pay fees
- Disagreement between members

Suspending members

GCs do not have the authority to exclude a member from the group permanently. That decision must be made by the Executive Committee.

Should a GC refuse to have a member in their group, it will not be possible for that group to continue with that GC running it. Similarly, if a GC refuses to have a particular member in his/her house, then it will not be possible for the group to continue to be hosted there

Content of Letters

Letter to the member against who the grievance has been made:

- Advising them of the grievance raised / advising them of what constitutes the alleged breach of Code of Conduct.
- Advising they are subject to a formal disciplinary procedure
- Asking for their statement of response to the grievance (in writing)
- Advising them of the date of the grievance hearing
- Advising that they can also attend the subcommittee meeting to state their response in addition to their written response
- Advising them they may choose to bring a companion if they wish who will also be bound by confidentiality.
- Advising if there are witnesses to the grievance incident(s) who are willing to give representations, they should ask those witnesses to contact the subcommittee to agree to give a statement relating to the specific grievance incident(s) that they have witnessed if they have not already done so.

Letter should be sent to the member lodging the grievance

- Advising them of the date of the grievance hearing
- Advising that they can also attend the subcommittee meeting to state their grievance in addition to their written submission
- Advising them they may choose to bring a companion if they wish who will also be bound by confidentiality.
- Advising that, if there are witnesses to the grievance incident(s) who are willing to give representations, they should ask those witnesses to contact the subcommittee to agree to give a statement relating to the specific grievance incident(s) that they have witnessed if they have not already done so.
- Advising them outcome of the decision is confidential and will not be revealed except to the person against whom the grievance was made.

Possible forms of action

- Level 1- no case to answer. No further action necessary
- Level 2- a verbal warning about future conduct by an elected officer with another officer present, details of which should be confirmed in writing.
- Level 3 - a written warning which clearly states what will happen if the situation is repeated.
- Level 4 - a final written warning, which if breached will result in automatic escalation to level 4 or 5
- Level 5a - exclusion from an interest group.
- Level 5b - termination of u3a membership.

Gross misconduct

If there is a case to answer, for most problems you will start at Level 1. However, in the case of an extremely serious proven misdemeanour, the committee has the right to move immediately to Levels 3, 4 or 5, including asking the member to leave the interest group or to leave the u3a, depending on the outcome.

For example:

- Sexual/racial abuse, discrimination, harassment, bullying.
- Dangerous or violent behaviour.
- Falsification of expense claims.
- Theft.
- Malicious damage.
- Conduct which brings the u3a into disrepute or is prejudicial to the U3A or the running of the u3a

This policy was adopted on: November 2019

This Policy was amended and updated on: Jul 2022

This policy was reviewed and approved on: Mar 2023

Next review date Mar 2026