

# Cupar U3A Grievance Procedure

In any organisation, problems and grievances may occur from time to time. 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. This procedure sets out how Cupar U3A will approach problems and grievances, to ensure they are dealt with in this way. All parties are encouraged to take a problem-solving approach to achieve resolution.

In dealing with grievances Cupar U3A will ensure the following

- All action taken will be documented.
- Grievances (including the appeals procedure) will be dealt with quickly and fairly.
- Cupar U3A will try to de-escalate the situation and try to settle the issue without having to resort to formal action.
- Confidentiality will be maintained at all times. For serious issues Cupar 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. Sharing information with the Trust will not constitute a breach of confidentiality due to Cupar U3A's affiliation to the Trust. Members involved in grievance procedures will be informed of the involvement of the Trust.
- All communication will be based on fact and evidence provided.

## 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 volunteers and the Regional Trustee. All situations should be dealt with discreetly and by showing respect to the parties and views involved.

## Problems for a group convenor within an interest group

Problems can arise within a group, for example:

- disruptive and/or unsocial behaviour;
- poor attendance/timekeeping;
- unsuitability;
- failure to pay fees;
- disagreement between members.

Participants in any group or organisation may, on occasion, have concerns or complaints. In most cases the group convenor will be able to resolve the situation informally and amicably by just having a quiet word with the member or members in question. For example, in certain situations asking a member to leave the group for the remainder of the session to give time for the convenor to talk the matter through with them may well be the best solution.

If it requires more, or this approach fails and the problem persists, the group convenor should refer the matter to the Groups' Co-ordinator on the committee or, if that role does not exist, the Trustee on the committee designated to deal with complaints/grievances. The group convenor should not allow a situation to continue which impacts on the enjoyment of other members of the group.

Group Convenors should not have the authority to exclude a member from the group permanently. That decision must be made by the Committee and should a convenor refuse to have a member in the group, it will not be possible for that group to continue with that member running it. Similarly, if a convenor 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.

### Problems with the Group Convenor

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

### Problems within the U3A as a whole

- Member to member.
- Member to the Committee.
- Member to an individual trustee.
- Committee member to Committee member.
- 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.

The above should all be referred to the designated Trustee in the first instance unless that person is personally involved, in which case, it should be referred directly to the Chair. Responsibility for dealing with grievances (other than those raised by or against the Chair) rests with the Chair and the Committee.

### Informal procedure

When a problem/grievance is referred to the Groups' Coordinator or designated Trustee they will:

- gain clarity from the outset as to what the nature of the problem/grievance is. Ask people to cite specific examples of behaviour, with dates where possible,
- attempt informal resolution,
- have an informal discussion with each party concerned 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,
- seek to summarise the situation with both parties, be clear about any required changes to ensure it does not happen again, and to clear the air.
- If the Groups' Coordinator or designated Trustee 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.
- If, however, the Groups' Coordinator or designated Trustee feels that 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 grievance wishes to lodge a formal grievance the matter will be referred, in writing, to the Chair of the Committee stating that this is a formal grievance. This should include a summary of the grievance and any action that the parties involved consider necessary to resolve it.

## Committee procedure (formal)

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

The designated Trustee should inform the Chair that there is a grievance that needs to be investigated. The Chair will appoint a subcommittee of 2/3 Committee members (where possible) to hear the grievance.

The designated Trustee should ask the aggrieved party to provide details of the grievance in writing. The grievance should be very clear and specific, with dates and times if relevant.

The designated Trustee should advise the aggrieved party that a meeting to hear the grievance by a subcommittee will be convened. The timetable for the date of the meeting will be short, preferably within 7 to 14 days of receipt of the written grievance.

A letter should be sent to the member against whom the grievance has been made:

- advising them of the grievance
- asking for their 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 who will also be bound by confidentiality, if they wish.

A letter should be sent to the member lodging the grievance

- asking them for clear and specific details of the grievance including dates and times if relevant
- 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 response
- advising them they may choose to bring a companion who will also be bound by confidentiality, if they wish.

If either member advises that 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 giving a statement relating to the specific grievance incident(s) that they have witnessed.

## The subcommittee meeting

The meeting must be minuted. The minutes must be confidential. (If you are a U3A that publishes your minutes these MUST NOT be published on your 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. They should record their decision and give reasons for the decision based on the factual information provided in the statements and verbal reports provided.

## 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 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, 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

The subcommittee 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.

### Grievance against 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.

### 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 with the designated Trustee within 7 days of the written decision by the subcommittee being provided.

### Right of appeal

An appeal, providing it is lodged within a 7 day period of the written decision by the subcommittee being provided, can take the form of written representation for the Committee to consider or a request for a right of reply.

In either case the Chair should be informed of the intention to appeal by the member.

They will then convene a further sub-panel of committee members who did not hear the original grievance, to hear the appeal.

This sub-panel should consider any written response and make their decision on whether to uphold the appeal or not.

This should be independent of the initial hearing and committee members should not discuss this outside of the appeal sub-panel.

If the member concerned requests a right of reply the sub-panel should arrange an appeal meeting with the member in question, who, again, may be accompanied by a companion who may also speak in a personal capacity.

The whole issue should be summarised and then the member given the opportunity to speak, along with their companion, if they wish to.

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 sub-panel'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.

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