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## COMPLAINTS & GRIEVANCES POLICY

### Background

The Management Committee of U3A Ipswich & West Moreton (U3A Ipswich) aims to provide a simple, confidential and trustworthy procedure for resolving complaints based on the principles of procedural fairness. We understand our obligation to ensure that our complaints procedure has integrity and is free of unfair repercussions or victimisation against any person making a complaint. We also understand that complaints should be dealt with quickly where possible (within at least five working days) and always fairly.

### Policy Statement

U3A Ipswich is committed to an organisational culture that encourages collaboration, cooperation and communication. It is recognised, however, that on occasion inappropriate behaviour or actions may occur and that a Complaint & Grievance process is required for a resolution. A dispute may arise from any action or inaction, behaviour, situation or decision impacting on a member that the member thinks is unfair or unjustified. It can relate to any aspect of a member or volunteer and can include but is not limited to member participation in courses and activities, volunteer engagement in delivery of services, general organisation environment, interpersonal conflicts or difficulties, safety in the organisation, misuse of resources or behaviour contrary to the Code of Conduct.

### Principles of Natural Justice

- The person complained about is to be seen as acting in good faith while the complaint is investigated.
- Any complaint will be investigated promptly.
- The complaint must be put to the person complained against.
- The person complained against must be given the opportunity to provide a response to the complaint.

### Responsibilities

The Management Committee is responsible for appointing a Complaints & Grievances Sub-Committee (the S-C) as soon as is practicable following the election of the Management Committee.

Any member of the Management Committee may receive a complaint from a member and that committee member must immediately advise the Management Committee of the complaint and the S-C will then commence the process for resolution.

The Management Committee must take all necessary steps to ensure confidentiality and that those involved in a complaint are not victimised. The Management Committee will discipline a person who harasses or victimises another person for making a complaint or supporting another person's complaint.

The complainant is responsible for ensuring that their complaint is true, not maliciously motivated nor intended to distress the respondent. Persons making such complaints can be subject to disciplinary action by the Management Committee.

### **Who can lodge a complaint**

Any person may report a complaint about a person, people or organisation bound by this policy if they feel they have been discriminated against, harassed, bullied or there has been any other serious breach of U3A Ipswich policies or Code of Conduct.

Complaints may be passed on to any Management Committee member orally but then must be committed to writing using the Complaints & Grievance Form and signed by the complainant.

### **Procedures**

Dispute resolution is the process by which disputes are resolved through:

- A negotiated outcome, where the parties sort things out themselves in consultation with the S-C; or
- A mediated outcome, where the parties use the services of the S-C to help arrive at their own agreement; or
- An arbitrated outcome where the S-C will determine how the dispute should be resolved.

Every effort should be made to resolve the issue at the earliest possible stage and at each stage efforts will be made to avoid proceeding to the next stage and to resolve the issue amicably.

### **Outcomes**

#### **Stage 1 Negotiated Outcome**

The parties to a dispute should seek to resolve the matter between themselves using different scenarios whereby discussion points will include:

- issue or areas of concern;
- reasons for their concerns;
- suggestions on how these concerns could be resolved;
- discussion of positive outcomes if issues are resolved;
- discussion of outcomes if issues are not resolved.

If issues are not resolved at this stage the S-C will note the reasons why they could not be resolved as a starting point for Stage 2. *This is a confidential process.*

#### **Stage 2 Mediated Outcome**

A third party such as a fellow member, tutor or past committee member (the mediator) may be appointed by the S-C to assist the parties to resolve the dispute.

The mediator will meet with all parties separately to discuss the issues, how they have tried to resolve them, why they could not be resolved, and ask for their views on how it can be resolved. The mediator will report on this to the S-C.

The mediator will then meet with all parties together, including the S-C to review all previous discussion points and offer ideas for resolution.

Lawyers will not be permitted to participate in the mediation process.

If mediation is unsuccessful a more formal process, Stage 3, is required. *This is a confidential process.*

### **Stage 3 Arbitrated Outcome**

If no agreement is reached, the S-C will make a determination which will be binding on both parties.

If either party remains dissatisfied the matter will be referred to the full Management Committee whose decision will be final. *This is a confidential process.*

***Nothing in this policy and procedure constrains the rights of a person to seek redress from outside the organisation in accordance with any relevant legislation.***

### **Investigation Procedure**

All complaints will be reviewed in the first instance to determine any need for further investigation. This helps determine the facts relating to the incident, as well as produce findings and recommendations. Any enquiries that the S-C undertakes must be fair to all parties involved and will be confidential.

The S-C will generally apply the following steps:

1. The S-C will determine whether the complaint is:
  - a. substantiated – there is sufficient evidence to support the complaint;
  - b. inconclusive – there is insufficient evidence either way;
  - c. unsubstantiated – there is sufficient evidence to show the complaint is unfounded or mischievous, vexatious or knowingly untrue.
2. The complainant will be interviewed by the S-C and the complaint documented.
3. Details of the complaint will be given to the person or people complained about in full, preferably in a meeting called to discuss the complaint. The respondent will be given sufficient information to enable them to properly respond to the complaint. The respondent's response will be documented in writing.
4. If there is a dispute over the facts, statements from witnesses and other relevant evidence will assist in a determination.
5. The S-C will provide a report documenting the complaint and summarising the investigation process and key points found to be substantiated, inconclusive, unsubstantiated or mischievous, to the parties.
6. The S-C will produce a report for the Management Committee documenting the complaint, investigation process, evidence, findings and recommendations.

Both parties are entitled to support throughout this process from a person of their choice who must not be a practising lawyer and is not empowered to speak on their behalf.

The parties have the right to appeal any decision based on the investigation. Any appeal must be in accordance with the appeals process provided in this policy and by the Constitution of U3A Ipswich.

### **Sanctions**

1. Any disciplinary measure imposed by the Management Committee must:
  - conform to the principles of natural justice;
  - be fair and reasonable;
  - be based on the evidence and information presented; and
  - be within the powers of the Management Committee.

2. Where an individual has breached a rule, regulation or policy any one or more of the following penalties may be imposed by the Management Committee:

- ask the offender to acknowledge the offence and to apologise to those affected;
- terminate the appointment of any role which the offender holds with U3A Ipswich;
- where there has been damage to property ask the offender to pay compensation;
- impose a warning; consider termination of membership under the Constitution.

**This procedure is compliant with requirements of the Incorporated Associations Queensland Act. This policy is based on model policies provided by U3A Network Queensland for which U3A Ipswich is grateful.**