



U3A ACT Policy No PO20148

Complaints and Grievances Policy

Publication date: 12 July 2017	Applies to: all members of U3A-ACT Inc.
Responsible person: President and the committee	Scheduled review date: Every three years as determined by committee
Approved by: Committee meeting on 10 July 2017	Author: Julia Rymer and Ron Jelleff

INTRODUCTION

U3A-ACT Inc. is a mutual aid organisation in which members provide their services voluntarily to provide courses that foster the joy of learning in people in the 'Third Age of their lives'.

From time to time members, including volunteers, or others, may have a complaint, or grievance which they wish to raise with the association for appropriate resolution.

Complaints and grievances are best resolved at the source of the issue and as quickly as possible once they have been identified.

In moving to resolve any matter it is assumed that both parties will act to ensure that:

- there is genuine commitment to work towards a mutually agreeable solution;
- procedural fairness is applied in resolving the issue;
- the voluntary nature of the association is taken into account;
- action is taken promptly within agreed timeframes; and
- confidentiality is maintained regarding the issue/s raised.

PURPOSE

The purpose of this policy is to provide guidance to U3A-ACT Inc. in managing complaints and grievances to ensure that the matters are dealt with fairly, consistently, and with transparency.

A complaint or grievance relates to the conduct or actions of a member of U3A-ACT Inc.

This policy does not apply to complaints or grievances:

- Relating to the management of the organisation by the committee. Such issues may be raised in the first instance with the President or the relevant coordinator, and as necessary by a letter or email to the Secretary.
- That are raised by persons who are not members of U3A-ACT or by external organisations; or
- by members about external individuals or organisations.

Such complaints or grievances will be dealt with as fairly and expeditiously as possible, although not necessarily using the processes outlined in this policy.

DEFINITIONS/KEY WORDS

Complaint: a clear oral or written statement by a member, made to a U3A-ACT Inc. volunteer or member of the committee, about a problem or issue that they have relating to:

- the interpretation and application of a policy;
- a communication or interpersonal conflict;
- a health, safety or well-being issue; and/or
- an allegation of discrimination or harassment within the meaning of the Discrimination Act.

Grievance: a particular form of complaint where the complainant has a significant sense of injustice in regard to the way they have been treated.

Complainant: person who raises a complaint or grievance.

Delegate: the person delegated to pursue the matter on behalf of the Committee.

Harassment: intentional repeated behaviour towards a person which that person finds threatening or disturbing.

Discrimination: unfair and unreasonable treatment based on the group or category to which a person belongs, such as gender, religion or any of the other criteria set out in the Discrimination Act.

Respondent: person/s who is/are identified by a complainant as the cause or source of the issue.

Procedural fairness (also known as natural justice): the requirement to apply a fair and proper procedure when making a decision and ensure each party's rights are protected and respected.

Neither the committee, nor a member or members are entitled to legal representation in the processes outlined in this policy.

Discrimination Act: Australian Capital Territory Discrimination Act 1991
See the first link in the References section of this policy.

This policy has three attachments.

Attachment A: Complaints and Grievances Procedures Flow Chart

Attachment B: Formal Complaint or Grievance form

Attachment C: Principles of natural justice or procedural fairness.

POLICY

1. U3A-ACT Inc. identifies two stages in the resolution of complaints and grievances. These are formal and informal processes.

1.1. Complainants should follow the steps for informal resolution before moving to formal processes.

- 1.2. Unless there are extenuating circumstances, such as extreme misconduct, fraud or significant harassment, the committee will not consider a complaint or grievance unless there has been an attempt to resolve it at an informal level.
2. A person raising a complaint or grievance has a right to be heard, supported and to have their matter resolved.
3. All parties must be afforded procedural fairness throughout the resolution processes.
 - 3.1. A complainant has a right to a support person throughout the process.
 - 3.2. A respondent must have the opportunity to present their version of events and to have access to support and advice if necessary.
4. Nothing in this policy amends or alters in any way the arrangements set down in the Objects and Rules of U3A-ACT Inc. (Rules 12 and 13) relating to the expulsion or suspension of members and rights of appeal relating to expulsion or suspension of membership or the arrangements for declaration of vacancies on the committee in Rule 25 or the removal of committee members in Rule 26.

Informal process

5. In the first instance where a person has a complaint or grievance they should raise it, if possible, with the person to whom the matter refers with a view to resolving the matter.
6. Where the complaint or grievance cannot be resolved between the two parties, or if the complainant or respondent does not feel able to be involved in this step, the complaint should be made to a coordinator, a committee member, or to another member who is in a position to assist with the resolution (eg Office Manager).
 - 6.1. The coordinator, a committee member, or other member who is in a position to assist with the resolution will endeavour to resolve the matter at this level.
 - 6.2. The coordinator, a committee member, or other member who is in a position to assist with the resolution should listen with an open mind, gather all relevant facts and act promptly and fairly, taking a consistent approach. If the matter is resolved the coordinator or committee member should also follow up to ensure that the correct action has been taken and the cause of the issue has been properly addressed.

Formal process

7. If a matter cannot be resolved informally, the complainant can move it to the formal stage.
 - 7.1. The complainant will provide their complaint or grievance in writing on the form provided at Attachment B to the Secretary.
 - 7.1.1. Complainants should indicate in their complaint what outcomes they expect from the process.
 - 7.1.2. Complainants should describe the action that has been taken so far to resolve the issue.
 - 7.1.3. If the complainant has not tried to resolve the matter using an informal process, they should explain in their complaints submission why that was not possible.
 - 7.2 The Secretary shall: file the complaint or grievance;
 - 1.1.1. at the earliest convenience inform the President.

8. The President, or one of the Vice-presidents if the President has a conflict of interest or is unavailable, shall delegate a person or persons to investigate the matter.
 - 8.1. The delegate(s) shall: clarify with the complainant the reason for the complaint and the requirements for settling the matter;
 - 1.1.1. invite a reply to the complaint from the respondent;
 - 1.1.2. discuss the matter with those involved during the informal stage;
 - 1.1.3. encourage and facilitate a settlement where possible;
 - 1.1.4. make a report and recommendation to the next scheduled meeting of the Committee. The report will identify what action if any should be taken regarding the complaint or grievance or issues raised by it.
 - 8.2. Unless the complaint or grievance has been settled beforehand, the committee will then adjudicate on the matter.
 - 8.3. The adjudication of the committee will be advised in writing to the complainant and the respondent within 2 weeks of the committee meeting at which the complaint or grievance was tabled.
9. If the complainant or respondent is not satisfied with the adjudication by the committee, each has the separate right to appeal the committee decision.
 - 9.1. A notice of appeal should be lodged with the Secretary in writing by either party within 2 weeks of receipt of the committee decision.
 - 9.2. The committee should attempt to reach agreement with all parties on the matters appealed.
 - 9.3. The committee will advise the complainant and the respondent of the outcome of the appeal.
 - 9.4. If all parties are not satisfied with the Committee's decision on the appeal, then the parties may agree to refer the matter to a mediator registered to mediate in the ACT.
 - 9.4.1. The committee will engage a mediator who is acceptable to both parties for a single session of mediation.
 - 9.4.2. The costs of engaging the mediator will be limited to \$1000 and will be shared between the committee and the parties.
 - 9.4.2.1. U3A-ACT Inc. will pay 50% of the cost,
 - 9.4.2.2. The other party, or parties, will pay 50% of the costs (split equally between them if more than one).
 - 9.4.2.3. No other costs will be paid by U3A-ACT Inc. in relation to the mediation.
10. A formal complaint shall be marked as closed if at any time the complainant notifies the delegate or the Secretary in writing that the complaint or grievance has been settled to that person's satisfaction or that it is withdrawn.
 - 10.1. The respondent shall be also notified that the complaint has been formally closed.
 - 10.2. The respondent shall be entitled to place a statement on the record regarding the matter.
11. Written records of all formal processes will be kept and filed in a secure and confidential location and disposed of when the committee determines there is no further need of the papers.
12. No record of the substance of any matter or the names of those involved will be made in the minutes of committee meetings.
13. The committee will make every effort to meet the timeframes in the complaints process but recognises that such processes are often delayed if people, who are party to the complaint, are unavailable or reluctant to participate.

SOURCES

U3A-ACT Inc. Objects and Rules of U3A-ACT Incorporated - (Association Number A1629)

REFERENCES

http://www5.austlii.edu.au/au/legis/act/consol_act/da1991164/index.html#s7

http://mq.edu.au/policy/docs/grievance_management/policy.html

<http://www.records.nsw.gov.au/about-us/accessing-state-records-information/state-records-policy-documents-and-tabled-documents-1/grievance-resolution-processes-for>

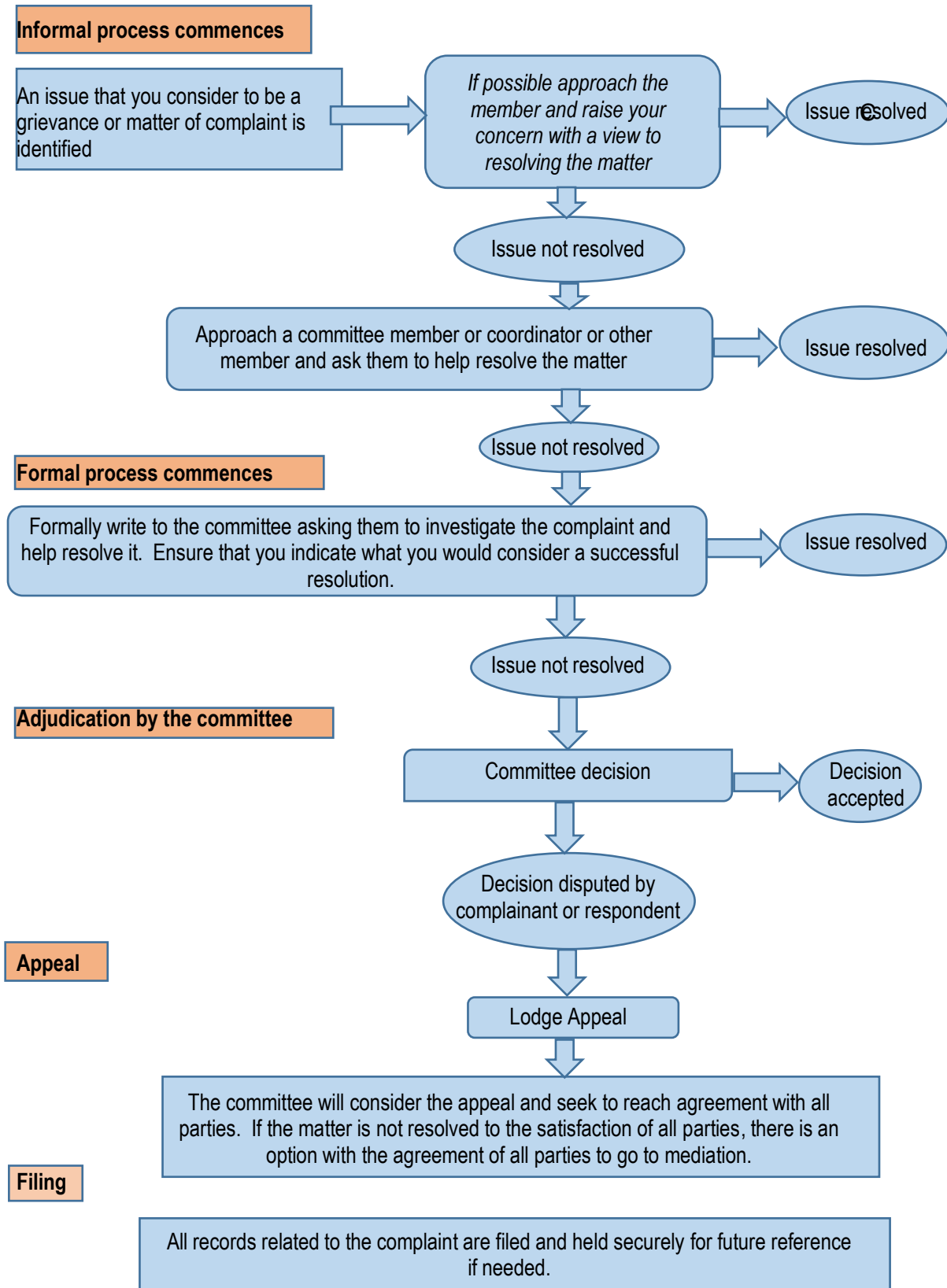
www.nada.org.au/media/15282/grievancedisputesettlingpolicy.doc

<http://www.ombudsman.wa.gov.au/Publications/Documents/guidelines/Procedural-fairnessguidelines.pdf>

<http://guides.sl.nsw.gov.au/content.php?pid=293537&sid=2436829>

<http://www.nfplaw.org.au/sites/default/files/Documents%20and%20records%20for%20incorporated%20associations.pdf>

Complaints and Grievance Procedures Flowchart





FORMAL COMPLAINT OR GRIEVANCE FORM

(*Complaint* is used throughout this form to mean either of the two types of concern identified above)

Name of person lodging complaint:

Contact details: Phone **Email**

Name or person or group against whom this complaint is lodged:

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Please describe the details of the complaint (Additional information can be attached to this document).

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Please indicate what you have already done to try to resolve this matter.

(Please refer to informal processes identified in the *U3A-ACT Inc. Complaints and Grievances Policy*)

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What actions would indicate to you that the complaint has been resolved?

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Additional information attached? (Yes/No)

Signed:
Name:
Date:

Please forward this document to The Secretary U3A-ACT Inc. at secretary@u3acanberra.org.au or to 2 Wisdom Street Hughes ACT 2605

Principles of natural justice or procedural fairness

<http://guides.sl.nsw.gov.au/content.php?pid=293537&sid=2436829>

- **Fairness** – decisions will be made on the basis of a set of established rules that are known.
- **Transparency** – what happens within the association can be seen and understood by the members and the general public, and decisions are not made behind closed doors.
- **Equality** – everyone should be treated equally and all rules and policies are applied equally to everyone.
- **Freedom from bias** – a decision maker must not have a personal interest in the decision she or he is making and must not prefer one person over another when they are making a decision. A decision maker needs to remain impartial.
- **The right to be heard** – a person who is affected by an issue or decision has a right to present their views and facts that support that view to the decision maker before the decision is made. It also means that a person who is accused of doing something wrong has a right to be told what it is they are said to have done wrong and to be shown the complaint so that they can respond to the issue.

Adapted from: [Australian Legal System](#), Hot Topics 79, LIAC, 2011, pg 4