



Scottish Charity No SC037928

## **COMPLAINTS AND DISCIPLINARY POLICY AND PROCEDURES**

### **1 Introduction– Responsibilities of the Board**

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. This disciplinary process contained in this paper, sets out how FVu3a will approach problems related to a complaint e.g. a breach, or suspected breach of the agreed Members' Code of Conduct ( see separate policy )

In the first instance, complaints should be directed towards the Board of Forth Valley u3a (FVu3a). 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 Board will make a decision as to how best to approach reaching a resolution.

When a member of the Board receives a complaint, it should be clarified as soon as possible whether the complainant (the person making the complaint) wishes to make an "official complaint". Any complaint received verbally must be followed by a written (email or letter) version of the complaint, stating whether the complainant wishes to make an official complaint. Where the complainant does not wish to make their complaint official, their complaint may nevertheless be followed up, but not necessarily using the procedures described below.

In dealing with complaints, the Board will ensure that:

- all actions are documented.
- complaints are dealt with quickly and fairly.
- every attempt is made to de-escalate the situation and settle issues, without having to resort to the formal process.
- confidentiality will be maintained within the group of those involved
- decisions made will be based on the facts and evidence gathered

For more serious complaints, the Board may need to liaise with, and share information with, the Third Age Trust. This will not constitute a data breach due to FVu3a's membership of, and affiliation to, the Trust.

At the end of the process, the Board should ensure all parties involved in the complaint are aware the matter has been resolved.

## 2. Initial Procedures

Any complaints about the management or organisation of FV3a; or a report of a breach of FVu3a's Members' Code of Conduct (see Code of Conduct Policies); or a report of incidents related to equality, diversity, inclusion, accessibility or safeguarding; should be sent by letter or email to the Chair of the Board ,chair@fvu3a.org.uk, or the Secretary, secretary@fvu3a.org.uk (if the complaint is about the Chair). The Chair (or Secretary) will appoint a Sub-Board of usually 3 Board Members, to process the complaint.

## 3. Informal process

a) The initial stages will begin within 7 days of receiving the complaint.

If there are reasons why the initial stage cannot begin within 7 days, this must be evidenced and documented.

In the majority of cases, it is envisaged that this will involve checking with the party raising the complaint (the complainant), whether they are willing to accept an informal outcome, as opposed to going through the formal process.

The person(s) against whom the complaint has been made will be informed about the basis of the complaint. This will include the email or letter of complaint. The complainant will also be asked what outcome they are hoping to achieve by making the complaint. For example, they will be asked whether they would be prepared to accept an apology. However, it will be made clear to the complainant that their desired outcome cannot be guaranteed.

b) The most appropriate persons from the Sub-Board will hold informal discussions with all relevant parties, in order to understand the problem. Each party's views will be heard. It may also be helpful for the parties to put their concerns or complaints in writing for the sake of clarity. If several people were involved when the complaint emerged, it may be deemed appropriate to speak with those present at the time, so that as full a picture as possible is obtained.

The purpose of these informal meetings will be to:

- seek to summarise the situation, attempting to reach a mutually satisfactory outcome
- agree any changes required in future
- clear the air
- importantly, ensure that the situation does not happen again

c) If it is felt that there is a case to answer; that it's a minor issue; and all parties are willing to accept the agreed outcome; then the lead person will make it clear that there should be no repeat of the actions/behaviour and that, at this time, no further action will take place.

If, however, it is felt by the Sub-Board that the situation warrants a more formal approach, for example in a situation:

- involving financial mis-management or
- where there has been behaviour that warrants exclusion from an interest group or
- where the person raising the complaint wishes their complaint to be processed by the formal process, and if the Sub-Board agrees that it warrants this, the matter will then be dealt with using the formal process below

and if the Sub-Board agrees that it warrants this, the matter will then be dealt with using the formal process below.

d) A record of these procedures and their outcome will be kept by the Chair or Secretary. At this stage also, the whole Board may/will be informed that a Complaint Procedure is taking place and the outcome to this point, but will not be informed of any of the details.

#### **4. Formal process**

a) The Sub-Board (see 2 above) will use the gathered information and conduct interviews. The complainant and any other members related to the complaint will be interviewed (if this has not been done already). The only reason this will not have been done already is, if a decision was taken to go straight to the formal process without going through the informal stage.

The person(s) against whom the complaint has been made will be informed about the basis of the complaint. This may include the email or letter of complaint and any supporting documentation or other member statements. The parties involved will be notified that the Board may seek the advice of the Third Age Trust in attempting to process the complaint.

b) Within 14 days of receiving an official complaint, the Sub-Board will organise a meeting with the complainant if he/she wishes to be heard verbally; if the complainant wishes, a companion, who may speak in a personal capacity, but may not answer on behalf of the complainant. This person will also be bound by confidentiality.

The purpose of this meeting will be to:

- hear the complaint
- review the information which has been gathered and
- hear the outcomes of the interviews

The other person(s) involved in the complaint will be offered the option to attend with, if they wish, a companion, who may also speak in a personal capacity, but not answer on behalf of the member. This person will also be bound by confidentiality.

c) The Sub-Board will then consider the matter; take into account all the information and any mitigating circumstances; and agree what action they will recommend to the Board. The whole Board will be informed that a Complaint Process has taken place. The Board will then meet and hear the recommendations of the Sub-Board and a decision will be taken as to the level of action that is required. A record of these procedures and their outcome will be kept by the Chair or Secretary

## **5. Levels of Action**

### **5.1 Level 1**

No case to answer. No further action necessary.

### **5.2 Level 2**

A verbal warning will be issued, which makes clear the nature of the unacceptable behaviour; and includes a warning about future conduct and the consequences of non-compliance. The Chair (or secretary) should give the warning on behalf of the Board. Details of the warning should be recorded, dated and kept on file.

There may be instances where similar behaviours are repeated by the same Member or Trustee. If this is the case, then this will be regarded as non-compliance (see Level 2) and the complaint will move to Level 3.

### **5.3 Level 3**

A written warning is issued by the Chair, on behalf of and agreed by the Sub-Board, itemising the unacceptable behaviour; stating the improvement required with immediate effect; and also, the consequences of continued non-compliance.

### **5.4 Level 4**

A final written warning is issued as above. This states that, if the behaviour is repeated, the Member or Trustee will be asked to leave FVu3a/FVu3a Board, with immediate effect.

### **5.5 Level 5**

The Trustee or member is asked to leave either the Board or FVu3a or both .

## **5.6 Gross Misconduct**

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 FVu3a or the running of FVu3a

the Board has the right to move immediately to Levels 4 or 5, including asking the Trustee or Member to leave. There may also be a need for the Board to contact appropriate external agencies, depending on the nature of the misconduct.

### 5.7 Decision

The decision will be communicated in writing to the Member or Trustee, advising them whether the breach of the Code of Conduct has been upheld or not upheld. If the breach 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 breach
- That the appeal request must be lodged with the Chair (or Secretary) within 14 days from the date the decision is communicated

### 5.8 Right of Appeal

a) A right of appeal will be offered, providing it is lodged within 14 days from the date of the decision being provided to the member.

The appeal needs to be lodged in the form of a written representation to the lead person for the Sub-Board to consider.

An appeal can be lodged by either party involved in the complaints process.

The appeal should contain the reasons for the appeal request.

b) The lead person will inform the Chair (or Secretary if the breach involves the Chair); or the Chair if the breach involves the Secretary) ,that an appeal panel needs to be convened.

The Chair or Secretary as appropriate will decide who will lead the appeal.

Members of the Sub Board who have been involved in the earlier stages of the process may not lead the appeal.

The appeal panel will consist of three Trustees (including the Secretary or the Chair as appropriate), who were not involved in the initial investigation.

A meeting of the appeal panel will be convened within 14 days of the receipt of the appeal.

All the information from the formal procedures will be shared with the appeal panel.

The member and complainant will be offered a verbal right of reply. If they wish to take this up, then they will be asked to attend the meeting with the appeal panel.

If they wish, they may bring a companion with them, who may also speak in a personal capacity, but may not speak on behalf of the member. This person will also be bound by confidentiality.

c) The whole issue will be summarised and the appeal panel will:

- consider the written and/or verbal statements presented
- review the information put forward in the original formal process for complaints
- make a decision
- communicate this decision in writing (email or letter) to the Member or Trustee and to the Sub-Board within 7 days of the appeal hearing.

**d) The decision following any appeal is final, and absolute confidentiality must be maintained.**

## **6) Record**

A record of the procedures and their outcome will be kept by the Chair or Secretary. The whole Board will be informed that a Disciplinary Process has taken place and the outcome, but not any of the details.

All records and action taken as a result of an investigation will be kept for 7 years.

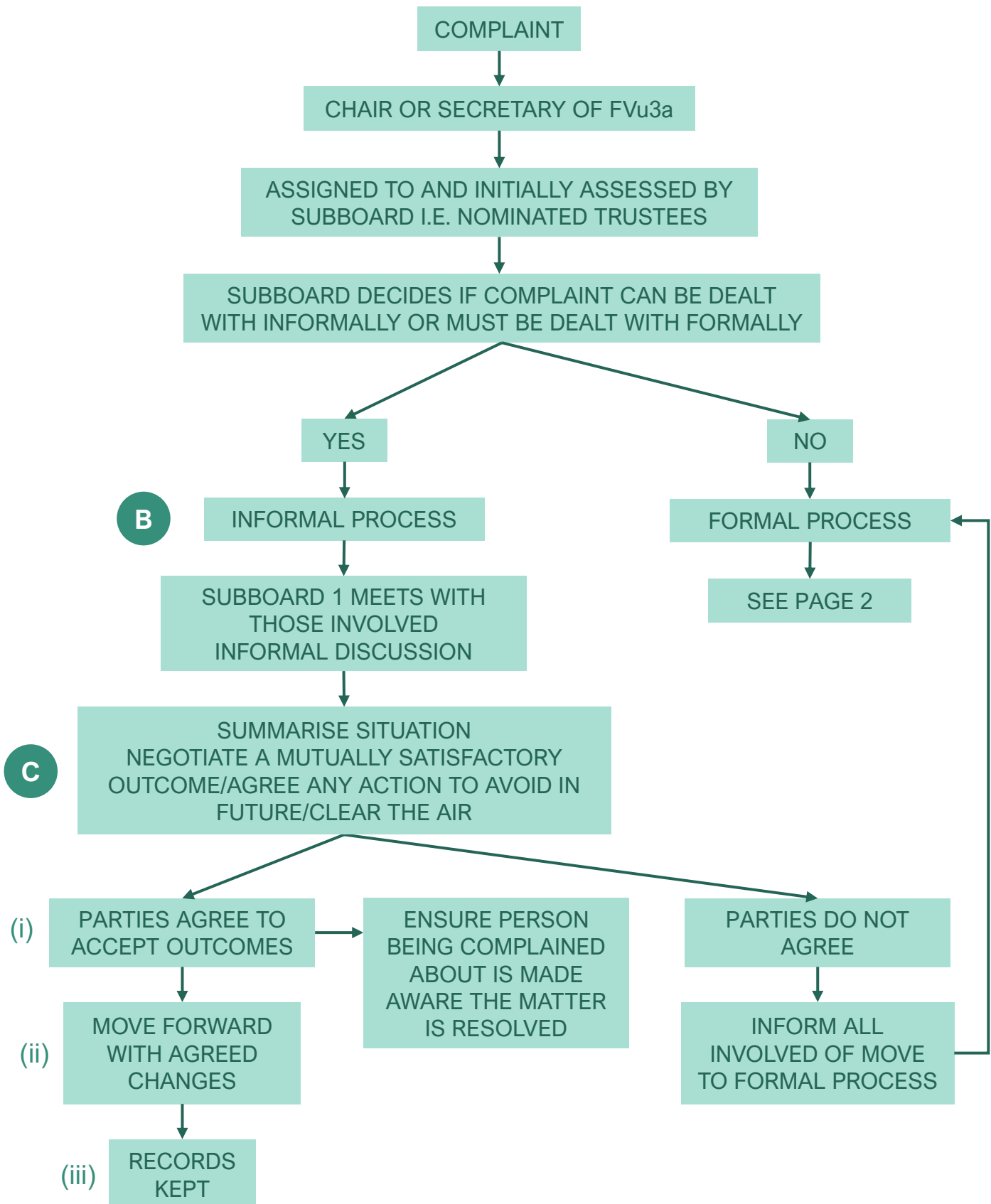
Document approved by the Board– 8<sup>th</sup> April 2025

Reviewed and amended Oct 2025 and Jan 2025; approved by the Board January 2026.

Next review date – February 2028

# Forth Valley u3a (FVu3a) Complaints Process

Initial Steps  
Informal or Formal



# FVu3a Complaints Process

## Formal Process

COMPLAINANT WRITES TO CHAIR/SECRETARY OF FVu3a BOARD PROVIDING SALIENT DETAILS AND STATING THAT THIS IS A FORMAL COMPLAINT

BOARD CHAIR/SECRETARY PROVIDES THE KEY DETAILS TO INDIVIDUAL(S) WHO ARE FOCUS OF COMPLAINT & ACKNOWLEDGE RECEIPT OF COMPLAINT

CHAIR/SECRETARY IS PROVIDED WITH A SUMMARY OF INFORMAL STAGE BY SUBBOARD INCLUDING PROPOSED OUTCOMES

COMPLAINANT GETS ACKNOWLEDGEMENT OF RECEIPT OF FORMAL COMPLAINT

COMPLAINANT IS ASKED WHAT THEY WISH TO ACHIEVE

ADVISED THAT THERE IS NO GUARANTEE OF THIS

SUBBOARD IS IDENTIFIED

SUBBOARD 2 ASSESSES PREVIOUS INFORMATION

NOT A DISCIPLINARY MATTER:  
INFORM ALL INVOLVED

DISCIPLINARY  
MATTER

CHAIR/SECRETARY & SUBBOARD  
FURTHER INVESTIGATION/  
INTERVIEWS/GATHERING INFORMATION

DISCIPLINARY  
PROCESS  
INITIATED

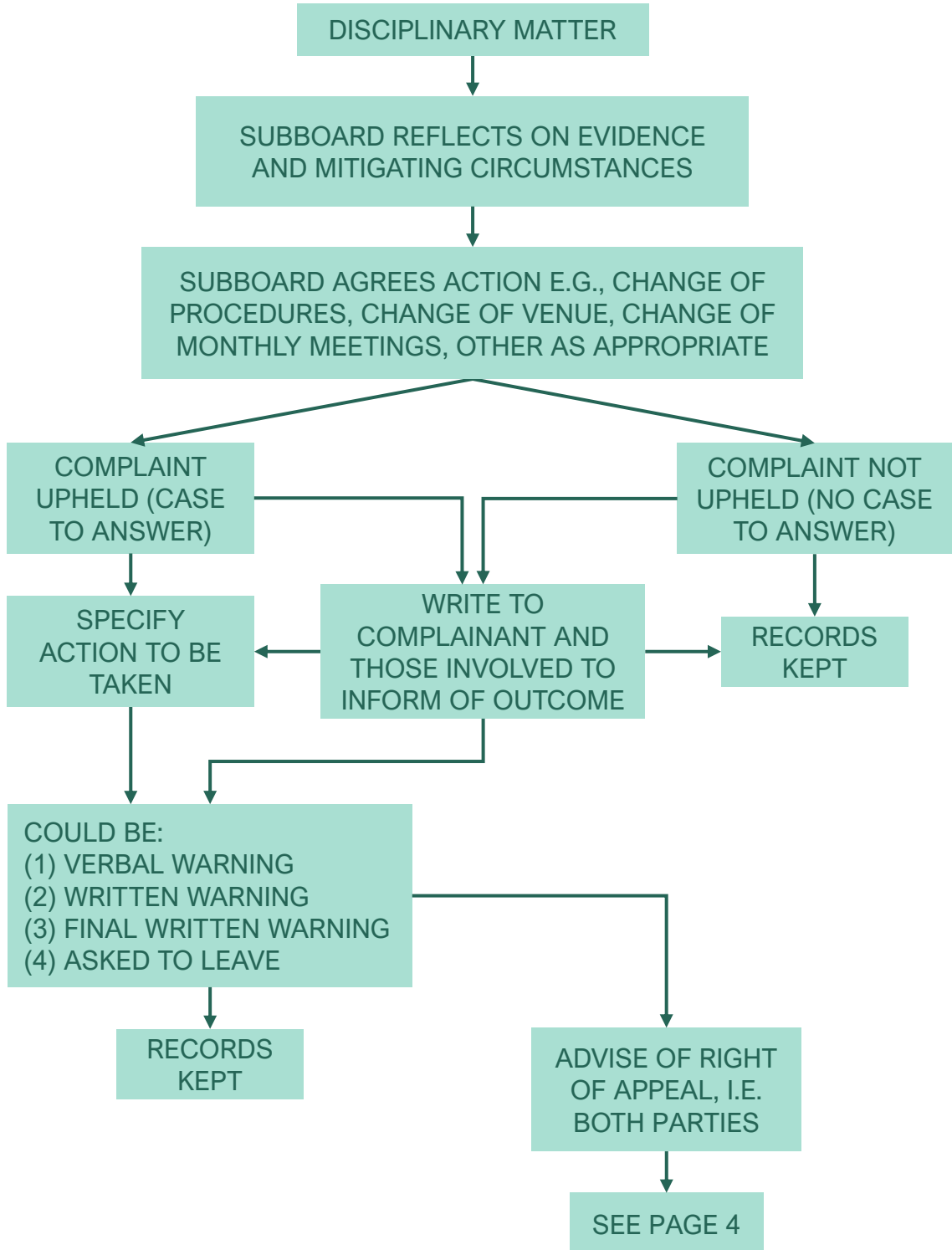
HEAR COMPLAINT  
WITH THOSE  
INVOLVED PRESENT

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AND FOLLOW PROCESS TO C (iii)

# FVu3a Complaints Process

## Formal Process



# FVu3a Complaints Process

## Right of Appeal

WITHIN 7 DAYS OF COMPLAINANTS BEING IN RECEIPT OF SUBBOARD DECISION, RIGHT OF APPEAL OFFERED

WRITTEN REPRESENTATION FROM COMPLAINANT(S) AND PERSON(S) COMPLAINT IS ABOUT, FOR FULL BOARD TO CONSIDER INCLUDING REASONS FOR THE APPEAL SUBMITTED WITHIN 14 DAYS FROM DATE OF RECEIPT OF BOARDS

LEAD PERSON SUBBOARD INFORMS CHAIR OR SECRETARY APPEAL PANEL NEEDS TO BE CONVENED

CHAIR OR SECRETARY DECIDES WHO LEADS THE APPEAL

NOT MEMBERS OF SUBBOARD PREVIOUSLY INVOLVED

APPEAL PANEL (3 TRUSTEES) INCLUDING SECRETARY CONVENED WITHIN 14 DAYS OF RECEIPT OF APPEAL

ALL PREVIOUS INFORMATION FROM FORMAL PROCEDURES SHARED WITH APPEAL PANEL

MEMBER AND COMPLAINANT RIGHT OF REPLY ATTEND MEETING

APPEAL PANEL WILL:

- CONSIDER WRITTEN AND VERBAL STATEMENTS
- REVIEW ALL PREVIOUS INFORMATION
- MAKE A DECISION
- COMMUNICATE DECISION IN WRITING TO MEMBER(S) AND SUBBOARD WITHIN 7 DAYS
- ENSURE ALL PARTIES ARE AWARE THAT THE MATTER IS RESOLVED

**DECISION IS FINAL**

RECORDS KEPT FOR 7 YEARS