



## U3A Canberra POLICY No. P50

<b>Complaints and Disputes Resolution Policy</b>	
<b>Publication date:</b> 19 June 2024	<b>Applies to:</b> All members
<b>Responsible person:</b> President and the Committee	<b>Scheduled review date:</b> Every 3 years
<b>Approved by:</b> Committee meeting 13 May 2024	<b>Author:</b> Kristine Riethmiller, Tom Flynn, Peter Sheldrake, and Paul Minogue

### **INTRODUCTION**

From time-to-time complaints and disputes occur. *Section 65B of the Associations Incorporation Act 1991* (the Act) requires the rules of an incorporated association to include a dispute resolution procedure for dealing with disputes between members or between a member and the association. Rule 11A of the Objects and Rules of U3A-ACT Inc. (U3A) sets out the key elements for resolving disputes.

This policy aims to outline the U3A's process for handling these matters fairly, quickly and in a way that respects all concerned.

The policy is intended to deal with disputes (including complaints and grievances) concerned with the everyday practice of U3A. Examples of disputes dealt with under this policy are:

- room bookings, room and equipment usage
- office volunteer and operational matters
- course enrolments and event bookings
- matters relating to the organization of, and participation in events
- behavioural matters, including bullying, discrimination, or other inappropriate, disruptive, or intimidating behaviour
- issues between a course leader and class member
- issues between members during a U3A activity
- decisions of the Committee under the Act or U3A rules
- any other dissatisfaction a member may have about their dealings with U3A.

It does **NOT** include complaints that are very serious and of a criminal nature. These matters will be immediately sent to the relevant authority, such as police. This can include physical abuse or obscene phone calls.

## **PURPOSE**

This Policy is underpinned by the U3A Code of Conduct, which applies to all members. The Policy provides a way to deal with issues that may arise and to resolve them quickly and to the satisfaction of all involved, where possible. A good complaint handling process is important because it can help:

- Improve the quality of U3A services
- Reduce the risk of possible harms to individuals and the Association
- Maintain positive relationships and culture of U3A.

The Policy facilitates informal resolution of complaints, if possible, and provides a formal process consistent with section 65B of the Act and rule 11A of *U3A's Objects and Rules* if this is not successful.

## **ATTACHMENT A**

Formal Complaint Form

## **POLICY STATEMENT**

1. This Policy aims to achieve the resolution of disputes quickly, with fairness, care and understanding. Confidentiality of all parties will be preserved; only those people with a specific role in the complaint will be involved.
2. The first step in resolving a dispute should be an informal discussion between the person/s complaining and a relevant U3A person. If the person complaining cannot identify a person to help they can contact the Member Liaison Person (MLP) on [memberliaison@u3acanberra.org.au](mailto:memberliaison@u3acanberra.org.au)
3. If the dispute involves the Committee or a member of the Committee, the MLP will delegate responsibility to a volunteer with appropriate skills and/or knowledge. The volunteer must be independent of the complaint or dispute and not be a member of the Committee.
4. Members should raise concerns as soon as possible to ensure that all those involved have a clear memory of the event or occurrence.
5. The Complaints Resolution Policy and associated procedures are set out in the following pages.

### ***First Step - Informal Approach***

All U3A course leaders, volunteers and members are expected to behave in a courteous and respectful manner in dealing with any issue that arises, and to seek to resolve the problem informally – where appropriate. This may include contacting the relevant activity coordinator in the U3A office or through discreet discussion between the course/event leader and the person concerned.

Consultation with the MLP may also assist in resolving the issue. The MLP is an experienced volunteer willing to assist the person making a complaint to resolve their complaint by listening to the issue and liaising with the relevant group or team leader. The MLP may help take the “heat” out of the discussion.

If this is unsuccessful, then the complainant may begin the formal dispute resolution procedure below.

## ***Formal Dispute Resolution Procedure***

1. A formal written complaint can be made by a member by letter or email, directed to the Secretary. A member may seek help in recording the complaint from the MLP. See Attachment A.
2. In the first instance, the Secretary will act as Complaints Resolution Officer (CRO) and who may delegate responsibility, as appropriate, to a designated volunteer with appropriate skills and/or knowledge. Where disputes involve the Committee or a member of the Committee, the delegated person must be independent of the dispute and not be a member of the Committee.
3. The person/s making the complaint may be accompanied to meetings by a support person (which may be a translator or interpreter). The complainant/s may also ask another person to speak on their behalf.
4. A note taker will be appointed by the CRO, after consultation with the MLP, to attend all meetings and make a formal record of the meetings. The note taker must be independent of the complaint and dispute and not be a member of the Committee.
5. The CRO (or their delegate) will first meet face-to-face (or by video-conferencing) with each of the parties to clarify individual perceptions of the dispute and each person's expected outcomes. The parties in dispute will then meet in the presence of the CRO (or their delegate) to discuss possible resolution outcomes and attempt to reach a mutually agreeable solution which may involve compromises to be made by both parties. Examples of possible outcomes could include apologies, explanations, changes to procedures or new processes.
6. Following the joint meeting, the CRO will provide a record, in writing, of the outcome(s) agreed between the parties.
7. In the event of no agreement being reached, the CRO will make a decision on the outcome to be adopted and reasons for that decision, which will be supplied to both parties in writing.

### **Timing**

8. The dispute resolution procedure should be completed as soon as is reasonably practicable.

### **Occasional Employment of Mediator**

9. Where one or both parties do not accept the decision of the CRO, the Committee may agree to appoint a mediator to facilitate between the parties. The appointment must be acceptable to both parties. The costs of engaging the mediator will be limited to \$1000 and will be split 50/50 between the U3A and the two parties. A written report on the outcome of the mediation will be provided to the Committee and the parties.

## **Appeals**

10. A party to the dispute who is dissatisfied with the outcome of the dispute resolution procedure may appeal in writing to the President within 28 days of receiving a decision under paragraph's 6 or 7 or mediator's report under paragraph 9.
11. The President will nominate three members of the Committee, (or other members of U3A if there is a conflict of interest or a suitably qualified external person), to review the decision.
12. The person or persons conducting the appeal review will provide a decision, and reasons, to both parties in writing.

## **OTHER ISSUES**

13. The CRO will provide the written records of the complaint to the Secretary, which will include the formal response of the parties named, the written decision of the CRO, the outcome of any mediation involving an outside mediator and the decision of any appeal. The discussions within the meetings will remain confidential.
14. The Committee will consider any changes required to policy and procedures as a result of a complaint investigation, and the issue examined will be included in the annual reporting required under the Safety and Wellbeing Policy.
15. This Policy does not apply to disciplinary proceedings against members of U3A under rules 12 and 13 of U3A's Objects and Rules which sets out the procedure, including right of appeal, for those proceedings.
16. The formal dispute resolution procedures in this policy will be applied to disputes over vacant Committee positions under rule 25, or if a Committee member has been properly removed under rule 26.
17. Where U3A is proposing to take disciplinary action against a member, no action shall be taken against any of the parties if a related dispute resolution process is incomplete. No member of U3A can begin a dispute resolution process until a disciplinary process that is incomplete has been finalised.

## **RELATED POLICIES**

- Safety and Wellbeing Policy
- Privacy Policy
- Code of Conduct Policy
- Risk Assessment Policy

## **SOURCES**

- U3A-ACT Inc. Objects and Rules of U3A-ACT Incorporated - (Association Number A1629)
- *Associations Incorporation Act 1991 (ACT)*



**FORMAL COMPLAINT FORM**

1. Who or what do you want to tell us about? (tick boxes):

Course leader	Process	Access	Course	Other
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2. What would you like to tell us? Please include dates, times, places and people, if relevant to your complaint.

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3. What would you like to happen? (tick boxes)

Apology	Explanation	Change	Information	Other
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4. I have already spoken to the other people involved in this complaint. (tick box)

Yes	No
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5. Would you like us to contact you about this matter? (Tick box)

Yes	No
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*If you choose not to provide your name and contact details, we investigate your complaint, but will not be able to let you know of the outcome.*

6. Your name: .....

7. Your phone number: .....

8. Your email address: .....

9. Your U3A membership number: .....

10. Date: .....

Please forward this document to The Secretary U3A-ACT Inc. at [secretary@u3acanberra.org.au](mailto:secretary@u3acanberra.org.au) or to 2 Wisdom Street Hughes ACT 2600