



Shildon Railway Institute

# **Disputes Guidance and Procedure**

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## **1. INFORMAL INTERNAL COMPLAINT RESOLUTION PROCESS – STAFF, VOLUNTEERS, AND MANAGEMENT COMMITTEE MEMBERS**

If you have a grievance or complaint to do with your work/volunteering, the people you work/volunteer with or other members you should, wherever possible, start by discussing it with any person with leadership and/or supervisory responsibilities i.e. Manager or Management Committee member with responsibility for business operations. This informal process involves the sharing of views and experiences, the clarification of needs, desires and expectations, as well as the development of a mutually negotiated plan of action. You may be able to agree a solution informally between you.

You may express your grievance or concerns verbally, in person; by phone or by email or by writing a letter.

### **Guidance on raising a problem or complaint:**

- Keep a record of all the incidents and any related discussions. The details should be noted, including when it happened, where it happened, who was involved, and any witnesses who may have seen or heard it. These notes will be required if a formal complaint is made. Your complaint will still be looked into even if you did not keep records.
- Describe the impact that it is having on you and/or the role/the organisation (with examples)
- State what actions you have taken to resolve the matter so far
- Think about how the problem could be resolved / the resolution you seek

## **2. FORMAL INTERNAL COMPLAINT RESOLUTION PROCESS – MEMBERS**

All complaints will be investigated in an unbiased, impartial and timely manner.

All efforts will be made to ensure that formal complaints are resolved within 30 days, or within a specified time as discussed with the complainant.

### **Guidance on raising a problem or complaint:**

- Keep a record of all the incidents and any related discussions. The details should be noted, including when it happened, where it happened, who was involved, and any witnesses who may have seen or heard it. These notes will be required if a formal complaint is made. Your complaint will still be looked into even if you did not keep records.
- Describe the impact that it is having on you and/or the role/the organisation (with examples);
- State what actions you have taken to resolve the matter so far and
- Think about how the problem could be resolved / the resolution you seek

### **Making the complaint:**

If you would like to make a formal complaint this should be done in writing and submitted to the nominated Committee Member, or sub-committee, that deals with complaints. Complaints should be made as soon as possible, but no later than 30 days from the date of the incident(s).

### **Investigation:**

Receipt of the complaint will be acknowledged in 2 weeks.

The Management Committee will review the complaint – either at the next meeting or call a special meeting.

If the complaint is against another Member, the Member will be made aware of the complaint against them and be invited to respond to the complaint to the Committee. The Member has 2 weeks to respond and can do so by email or a written letter. Consultation with other Employees/Volunteers/Members or Management Committee Members and follow up interviews may be required. The complaint will be considered in the context of existing policies, established procedures and applicable legislation.

The Committee will consider the Member's response before making a final decision.

### **Follow up interview (if required):**

The Chair or nominated person will arrange to meet and interview the complainant and the Member.

Notes should be taken at these meetings and a copy reviewed and signed; each party should retain a copy.

Two additional people may attend each meeting by mutual agreement. One to observe and take notes, another to support the complainant.

### **The report and reporting to the Management Committee:**

At the conclusion of the formal investigation, a report will be discussed with the Management Committee apart from the person involved who should be asked to step out

due to a Conflict of Interest, which will include the allegations and the investigation's findings, conclusions and recommendations. Example of a template report can be found at [www.acas.org.uk/investigation-plan-and-report-templates](http://www.acas.org.uk/investigation-plan-and-report-templates).

**Outcome:**

The Management Committee will review the report and a decision regarding the actions that should be taken will be made.

A response to the complainant will be provided by email or a written letter, following the meeting at which the matter was discussed.

### **3. FORMAL INTERNAL COMPLAINT RESOLUTION PROCESS – STAFF, VOLUNTEERS AND MANAGEMENT COMMITTEE MEMBERS**

All complaints will be investigated in an unbiased, impartial and timely manner.

#### **Guidance on raising a problem or complaint:**

- Keep a record of all the incidents and any related discussions. The details should be noted, including when it happened, where it happened, who was involved, and any witnesses who may have seen or heard it. These notes will be required if a formal complaint is made. Your complaint will still be looked into even if you did not keep records.
- Describe the impact that it is having on you and/or the role/the organisation (with examples)
- State what actions you have taken to resolve the matter so far
- Think about how the problem could be resolved / the resolution you seek

#### **Making the complaint:**

If you would like to make a formal complaint this should be done in writing and submitted to either the Manager or the nominated Committee Member, or sub-committee that deals with complaints.

If your complaint is against a member of the Management Committee, the matter should be referred to the Chair or if it concerns the Chair then it should be brought to the attention of the Secretary in the first instance, and another Management Committee member thereafter.

Complaints should be made as soon as possible, but no later than 30 days from the date of the incident(s). All efforts will be made to ensure that formal complaints are resolved within 30 days, or within a specified time as discussed with the complainant.

#### **Follow up interview:**

The Chair or Committee nominated person will arrange to meet and interview the complainant.

Notes should be taken at this meeting and a copy reviewed and signed by the complainant; each party should retain a copy.

Two additional people may attend the meeting by mutual agreement. One to observe and take notes, another to support the complainant.

#### **Investigation:**

The Chair or nominated person will thoroughly investigate the complaint, including any necessary consultation with other Employees/Volunteers/Members or Management Committee Members. The complaint will be considered in the context of existing policies, established procedures and applicable legislation.

#### **The report and reporting to the Management Committee:**

At the conclusion of the formal investigation, a report will be discussed with the Management Committee apart from the person involved who should be asked to step out due to a Conflict of Interest, which will include the allegations and the investigation's findings, conclusions and recommendations.

#### **Outcome:**

The Management Committee will review the report and a decision regarding the actions that should be taken will be made.

A response to the complainant will be provided by email or a written letter, following the meeting at which the matter was discussed. Example of a template report can be found at [www.acas.org.uk/investigation-plan-and-report-templates](http://www.acas.org.uk/investigation-plan-and-report-templates) .

## **4. FORMAL COMPLAINT RESOLUTION PROCESS – AGAINST MANAGEMENT COMMITTEE**

All complaints will be investigated in an unbiased, impartial and timely manner.

All efforts will be made to ensure that formal complaints are resolved within 30 days, or within a specified time as discussed with the complainant.

### **Making the complaint:**

If you would like to make a formal complaint regarding the Management Committee this should be done in writing and submitted to the Chair or Secretary (depending upon whether either of these is the subject of the complaint). Complaints should be made as soon as possible, but no later than 30 days from the date of the incident(s).

### **Investigation:**

Receipt of the complaint will be acknowledged in 2 weeks.

The Management Committee will review the complaint – either at the next meeting or call a special meeting. The complainant should be encouraged to attend part of the meeting to put their case to the Committee and hopefully resolve the issue.

### **The outcome:**

A response to the complainant will be provided by email or a written letter, following the meeting at which the matter was discussed, within 30 days.

### **The appeal process:**

A member can appeal the decision of the Committee in a Special Meeting of the Membership. This meeting will be called within 2 weeks to 30 days after the notice to the Member. It is advisable for there to be an impartial observer to make notes. A member can call a Special Members Meeting as per Model Rules 4.5. Members can use their voting rights to make a change of the Management Committee at the AGM.



## **5. FORMAL EXTERNAL COMPLAINT RESOLUTION PROCESS**

If the issue is not resolved internally, the complainant/Management Committee may consider consulting with an independent respected person within the community (Priest, Doctor etc) or have both parties agree to an arbitrator or mediator/contact legal advisors/lawyers for legal advice.

**Should an acceptable resolution not be forthcoming, as an active Plunkett member with Plunkett Model Rules, the complainant/Management Committee may call upon the Plunkett Foundation to provide mediation. There are costs for the service and it should be the last resort; it has implications, both financial and reputational, to the business. For those using the Plunkett Model Rules 9.2 the decision would be final.**

## **6. Disciplinary Action/Removal of Members**

The Management Committee Members may authorise disciplinary action or the termination of Membership for: violating the Code of Conduct, non-payment of membership fees, missed meetings without reasonable cause, non-response, direct request by another member for an individual to be removed from membership following an investigation.

### **Deciding to remove members:**

The Management Committee will review members who are proposed for removal at committee meetings, and call a subsequent meeting specifically to consider the matter. Details of the complaint must be sent to the Members complained of not less than 14 days before the meeting with an invitation to answer the complaints and attend the meeting. At this meeting the Management Committee may pass a resolution, approved by not less than two-thirds of the committee members present to expel the Members being considered for removal.

### **Issuing the notice:**

The notice; a written letter or email, to the Member shall set out the reasons for termination of Membership.

A response to the defendant should be provided by email or a written letter, following the meeting at which the matter was discussed, within 30 days.

There is no right of appeal under the Model Rules.

## **7. Disciplinary Action/Removal of Committee Members**

The Management Committee Members may pass a resolution authorising disciplinary action or the removal of a Committee Members for: violating the Code of Conduct, using the process described in 5.10 in the Model Rules.

### **Deciding to remove members:**

The Management Committee will review Committee Members who are proposed for removal at committee meetings, and call a subsequent meeting specifically to consider the matter. This may be a full members meeting. Details of the complaint must be sent to the Committee Member/s complained of not less than fourteen days before the meeting with an invitation to answer the complaints and attend the meeting. At this meeting the Management Committee may pass a resolution, approved by not less than two-thirds of the Members present, to expel the Committee Member/s being considered for removal.

### **Issuing the notice:**

The notice; a written letter or email, to the Member of the Committee shall set out the reasons for the intention to remove them from office. The Committee Member has 2 weeks to respond and can do so by email or a written letter and within the planned meeting.

### **The outcome:**

The notice; a written letter or email, to the Member shall set out the reasons for termination of Membership.

A response to the defendant will be provided by email or a written letter, following the meeting at which the matter was discussed, within 30 days.

There is no right of appeal under the Model Rules.

## **8. Confidentiality**

All persons involved with a complaint must endeavour to ensure that the matter remains confidential. To this end, complaints shall be investigated both confidentially and objectively, with respect for the rights of all parties involved. Personal information will be protected by the GDPR policy.

Anyone conducting the investigation of a complaint should advise all persons interviewed that they will be expected to treat the matter as confidential, and that they may be disciplined if they breach confidentiality.

## **9. Violation, failing to take action fraudulent or malicious behaviour**

Any Employee/Volunteer or Management Committee Member who violates this policy, and/or fails to take action when advised of a violation, will be subject to appropriate disciplinary action, up to and including termination of employment/asked to stop being a volunteer/removal from the Management Committee. Disciplinary action will also be taken if a complaint is found to have been made fraudulently and with malicious intent.

## **10. Refusal of application for Membership**

The Management Committee may refuse any application for membership at its absolute discretion as per the Model Rules 3.4. Refused applicants can request from the Secretary a reason for refusal. A refusal should be discussed and agreed at a Committee Meeting before informing the applicant.

It should be minuted and the committee should be able to justify the refusal if challenged.

**Last Review:** 25 Mar 2023

**Next Review Due:** 25 Mar 2024