

DRAFT COMPLAINTS PROCEEDURE

By definition, a complaint is a perceived wrong held by an individual or group. Every effort will be made to resolve complaints at the earliest possible opportunity and in the main this will be on an informal basis. However, should informal discussions not alleviate the situation, the following formal procedure will be followed.

Definitions:

Complainant

Person(s) bringing the complaint

The Management Committee

Members elected onto the Management Committee of the organisation at the AGM.

Complaints Officer

A member of the Management Committee elected to fulfil this post

Secondary Complaints Officer

A member of the Management Committee elected to stand in for the Complaints Officer where appropriate and/or relevant

Senior Member of Staff

The most senior member of staff (i.e., manager or director) employed by the organisation.

STAGES OF THE PROCEEDURE

Stage One

In the first instance, the matter must be raised by the Complainant(s) with the Senior Member of Staff, who after any necessary consultation with the Complaints Officer, will give a formal reply within five working days.

Stage Two

Failing settlement at Stage One, a meeting will be arranged between the Complainant(s), the Senior Member of Staff and the Complaints Officer within ten working days of the formal response require at State One. If the complaint is being made on behalf of another organization, at least one formally elected member of the organization's management committee must also be present. If the Complaints Officer is not available or the complaint is being made against him/her, the Secondary Complaints Officer will stand in. If settlement is not achieved at this stage, a 'failure to agree' will be recorded. Minutes must be taken at this meeting.

Stage Three

A report will be submitted by the Complaints Officer present at the Stage Two meeting to a full Management Committee meeting to be held within 21 days of the Stage Two meeting and at which minutes must be taken. An investigation may be necessary at this stage before a decision is reached by the Management Committee. A formal decision will then be issued forthwith by the Management Committee to all parties concerned.

CONCILIATION AND ARBITRATION

In the procedures set out above, if settlement is not achieved at the final stage and the

formal decision of the Management Committee is not acceptable to the complainant(s), the matter may, if mutually desired, be referred to the Advisory Conciliation and Arbitration Service. The arbitrated decision will be binding on both parties.

Gypsy & Traveller Law Reform Coalition Disciplinary Procedure

The purpose of this procedure is to provide a mechanism to improve unacceptable levels of behaviour or performance by members of the Coalition in a fair and reasonable manner.

Definitions:

The Management Committee

The permanent members of the Gypsy & Traveller Law Reform Coalition Management Committee

Accountable Agency

The agency accountable for the overall running of the Gypsy & Traveller Law Reform Coalition Project and the management of all its finances.

The National Policy Development Officer

The person employed to coordinate and delivery the objectives of the Gypsy & Traveller Law Reform Coalition

The principles which underpin the procedure are:

- a.) Each case will be examined on its own merits, taking into consideration any mitigating circumstances that may exist, such as health or personal problems.
- b.) Members have the right to representation at a meeting with the Management Committee.
- c.) Reasonable written notification of the disciplinary meeting will be given along with documentary information regarding the basis for the meeting.
- d.) The Management Committee is required to inform the Accountable Agency of all disciplinary proceedings.
- e.) All warnings will specify the following:
 - i) The level of warning
 - ii) The reason for the warning
 - iii) The improvement required and the implication of failure to improve
 - iv) The period of review
 - v) The time duration of the warning (from 3-12 months)
- f.) Records of warnings shall remain on file by the Accountable Agency for a period not exceeding 12 months, but may be removed earlier at management discretion.

Whilst it is essential to have an organised formal procedure for the resolution of disciplinary matters, it is expected that informal mediation and guidance would precede any formal disciplinary action.

An exception to this approach will be in the event of serious or gross misconduct offences. In cases of misconduct, the disciplinary action to be taken will depend upon the circumstances and the nature of the misconduct. Serious and gross misconduct offences may be inserted at the appropriate level of procedure and may lead to instant dismissal.

Level One – Verbal Warnings

Normally, a member would, on the first offence, receive a verbal warning from a designated representative of the Management Committee which will be recorded in the Accountable agencies files.

Level Two – Written Warnings

In the event of a member not responding to a verbal warning within the specified period of time or repeating the offence, a written warning will be issued by a

designated representative on behalf of the Management Committee. A copy of this written warning will be held on file by the Accountable Agency.

Level Three – Final Written Warning

In the event of a member not responding to a written warning in the specified period of time or repeating the offence, a final written warning will be issued by a designated representative on behalf of the Management Committee. A copy of this written warning will be held on file by the Accountable Agency.

Members covered by this procedure who hold a Management Committee position, are subject to the same disciplinary standards in their conduct as all other members. However, if a warning beyond a verbal warning because of behaviour, attendance record or any other aspect of poor performance is considered necessary, no action will be taken until the circumstances of the case have been discussed with the Management Committee.

Gross Misconduct

The following list provides examples (not exhaustive) of actions which are normally regarded as gross misconduct.

- Blatant discrimination or harassment (e.g., racial or sexual)
- Theft, fraud, deliberate falsification of records
- Verbal or physical assault on any other person
- Serious incapability through alcohol or being under the influence of illegal drugs
- Serious negligence which causes unacceptable loss, damage or injury
- Serious acts of insubordination
- Serious breach of health and safety rules

In some circumstances, it may be appropriate to ask the member not to attend during a period of investigation.

Leaving

The decision to ask a member to leave will always have been considered by the National Policy Development Officer, the Accountable Agency and the Management Committee.