
	THE MORTIMER COMMUNITY BENEFIT SOCIETY LIMITED	
	Disputes & Complaints Guidance and Procedure	

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INTRODUCTION

Community business staff, volunteers and Committee members will occasionally be involved in a dispute. If there is a tenancy in place the procedure for dealing with a dispute with a tenant should be outlined in the tenancy contract.

The Mortimer Community Benefit Society Limited (MCBS) has adopted this procedure to guide how to deal with disputes and complaints: to help all those involved, ensure a fair review of the situation and that appropriate actions are taken.

This procedure will be reviewed annually and if necessary updated, so that it continues to reflect the needs of the MCBS, its staff and volunteers.

INFORMAL INTERNAL COMPLAINT RESOLUTION PROCESS – STAFF, VOLUNTEERS AND MEMBERS (INCLUDING THE MANAGEMENT COMMITTEE)

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. Bar Manager or a Committee member, as appropriate. 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, 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

FORMAL INTERNAL COMPLAINT RESOLUTION PROCESS – CONCERNING MEMBERS (SHAREHOLDERS), STAFF, VOLUNTEERS AND MCBS COMMITTEE 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 of the acknowledgement of the complaint's receipt, 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
- If the complaint concerns sexual harassment please also refer to MCBS's Sexual Harassment policy.

Making the complaint

If you would like to make a formal complaint this should be submitted in writing to a Committee Member.

If however the complaint is against a Committee member it should be submitted in writing to the Chair or Secretary. If it concerns the Chair, then it should be marked for the attention of the Vice-Chair and Secretary.

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 within 1 week.

The Member, staff, volunteer or Committee Member will be made aware of the complaint against them and will be invited to respond to the complaint to the Committee. That person has 2 weeks to respond and can do so by email or a written letter.

The Chair or the Committee member nominated to deal with the complaint will thoroughly investigate the complaint. Consultation with other Employees/Volunteers/Members or Committee Members and follow up interviews may then be required. The complaint will be considered in the context of existing policies, established procedures and applicable legislation.

Follow up interview (if required)

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

Notes should be taken at these meetings and a copy reviewed and signed by all attendees. 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 and the other party.

Reporting to the Committee

At the conclusion of the formal investigation, a report¹ will be prepared and discussed at a meeting with the Committee, which will include the allegations and the investigation's findings, conclusions and recommendations. If the complaint concerns a Committee member they will be asked to not attend the meeting due to a conflict of interest. The complainant should be encouraged to attend part of meeting to put their case to the Committee and hopefully resolve the issue.

Outcome

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

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

The Member's Appeal process

A Member can appeal the decision of the Committee at a Special Meeting of the Membership (SMM). This meeting may be called within 28 days after a notice (requisition) to the Members. It is advisable for there to be an impartial observer at an SMM to take make notes. A Member can call an SMM as per Model Rules 4.5 - 4.7. Members can also use their voting rights to make a change of the MCBS Management Committee at the Annual Members' Meeting.

¹ Template Reports www.acas.org.uk/investigation-plan-and-report-templates

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. There may be costs associated with this approach, and it should be used only in exceptional circumstances

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 this service, and it should be the last resort. It has implications, both financial and reputational, to the business. As MCBS uses the Plunkett Model Rules that decision would be final.

DISCIPLINARY ACTION / REMOVAL OF MEMBERS (INCLUDING COMMITTEE MEMBERS)

The Committee may authorise disciplinary action or the termination of Membership for: violating the Code of Conduct, missed meetings without reasonable cause, non-response, direct request by another member for an individual to be removed from membership following an investigation. See Model Rules 3.8.

If the action relates to a member of the Committee then the see Model Rules 5.10 and the Code of Conduct 5.

Deciding to remove Members

The 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.

Notes should be taken at this meeting and a copy reviewed and signed by the attendees. 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 Member.

At this meeting the 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. See Model Rules 3.8.

Issuing the notice

The notice, being either a written letter or email, to the Member shall set out the reasons for termination of Membership. This notice should be provided, following the meeting at which the matter was discussed, within 14 days.

There is no right of appeal under the Model Rules.

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 Committee members

The Committee will review Committee Members who are proposed for removal at Committee meetings and will call a specific meeting to consider the matter. This may indeed 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 written notice (letter or email) to the Committee Member shall set out the reasons for the intention to remove them from office. It shall be provided within 2 weeks of the meeting.

There is no right of appeal under the Model Rules.

DECISION TO REMOVE STAFF

This is governed by individual employment contract and the MCBS Grievance and Disciplinary policies.

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 Privacy 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.

Consultation with the Plunkett Foundation or an external advisor/mediator will not constitute a breach of confidentiality. Those parties will be required to treat the matter as confidential.

Commented [CS1]: Should we clarify that raising an issue with the Plunkett Foundation does not constitute a breach of confidentiality?

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.

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.

10 February 2025