

MOTIONS TO AMEND THE COMPLAINTS POLICY AND PROCEDURES

Submitted by the OM Committee for the AGM 2017

Officers have become aware of inconsistencies, errors, and omissions in the Complaints Policy and Procedures (CPP).

The Committee has therefore drafted the Motions listed below. They amend the CPP to correct and clarify the wording throughout.

These are not Constitution Motions, because the CPP is not part of the Constitution. Therefore these Motions may be amended before or during the AGM at the discretion of the Chair of OM or the Chairperson of the AGM.

MOTION CPP 1

CPP 1.b

Delete the redundant word "surface", and the inappropriate phrase "*scratched on a brickbat*" from 1.b.

Proposed text

- 1.b A complaint may be lodged verbally in person or by phone, or in writing by mail or email.

Existing text

- 1.b A complaint may be lodged verbally, by phone, scratched on a brickbat, or in writing by surface mail or email.

MOTION CPP 2

CPP 2.a i

Amend the final bullet-point to ensure the complainant has the appropriate contact details.

Proposed text

- 2.a i The person who receives a complaint will:
- suggest that the complainant submits an account in their own words in writing by mail or email, and provide the complainant with the appropriate contact details.

Existing text

- 2.a i The person who receives a complaint will:
- suggest that the complainant submits an account in their own words in writing by surface mail or email.

MOTION CPP 3

CPP 3.a iii

Amend to allow for the possibility of unsuccessful mediation.

Proposed text

3.a iii If mediation is refused by either party, or is not appropriate, or is unsuccessful, the Committee will convene a Personnel Panel who will attempt to resolve the matter.

Existing text

3.a iii If mediation is refused by either party, or is not appropriate, the Committee will convene a Personnel Panel who will attempt to resolve the matter.

MOTION CPP 4

CPP 3.b iv

Amend to ensure that a mediation agreement will remain confidential.

Proposed text

3.b iv The agreement must contain workable objectives and will be circulated to the parties and to the mediator for their record, but will otherwise remain confidential.

Existing text

3.b iv The agreement must contain workable objectives and will be circulated to the parties and to the mediator for their record.

MOTION CPP 5

CPP 3.d i

Amend to remove repeated "if" phrases at the beginning of the sentence.

Proposed text

3.d i When necessary, the Committee will convene a Personnel Panel from the register of volunteers, one of whom will be appointed as Chairperson of the Panel, and none of whom will be associated with the matter in hand.

Existing text

3.d i If mediation is refused by either party, or is not appropriate, the Committee will convene a Personnel Panel from the register of volunteers, one of whom will be appointed as Chairperson of the Panel, and none of whom will be associated with the matter in hand.

MOTION CPP 6

CPP 3.e viii

Amend to make clear that the Appeal Panel's decision is final.

Proposed text

3.e viii The Appeal Panel's Statement will be circulated to the parties involved, and will state that the Panel's decision is final.

Existing text

3.e viii The Appeal Panel's Statement will be circulated to the parties involved

MOTION CPP 7

CPP 3.f ii and iii

Amend to comply with the OM Equality Policy by replacing the word "member" with the word "person".

Proposed text

3.f ii. to harass or threaten another person or persons;

3.f iii. to discriminate against another person or persons, on the grounds of gender, gender reassignment, sexuality, ethnic origin, disability, pregnancy/maternity, religion or age;

Existing text

3.f ii. to harass or threaten another *member* or *members*

3.f iii. to discriminate against another *member* or *members* on the grounds of gender, gender reassignment, sexuality, ethnic origin, disability, pregnancy/maternity, religion or age;

MOTION CPP 8

CPP 2.a ii

CPP 2.b

Delete the final bullet-point in 2.a ii.

Amend 2.b to read:

- 2.b ii. The complainant will receive an acknowledgement in writing as soon as possible, together with a copy of the Complaints and Personnel Procedures.
- 2.b iii. The acknowledgement will say who is dealing with the complaint; will say when the complainant can expect a reply; and will ask what they would like done to resolve the issue.

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Explanatory Note

The person who receives the complaint will quite possibly be an unelected member.

This Motion makes it the responsibility of an OM Officer to find out what the complainant would like done, rather than impose that burden on an unelected member.

It also clarifies how a complaint will be acknowledged

Existing texts

- 2.a ii The person who receives a complaint should try to comply with these guidelines:
 - ask the person what they would like done to resolve the issue.
- 2.b ii. The complainant will receive an acknowledgement in writing as soon as possible and no later than one week after referral.
- 2.b iii. The acknowledgement will say who is dealing with the complaint and when the person complaining can expect a reply, and a copy of this Procedure should be attached.

MOTION CPP 9

Complaints Policy 1.g)

Amend Complaints Policy 1.g) to read:

- 1.g) If a need for change is indicated, the Committee will propose appropriate updates to the Complaints Policy and Procedures for adoption at AGM or EGM.

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Explanatory Note

This Motion amends the text of **CPP 1.g** to comply with Constitution Rule 26.c), which requires amendments to the Complaints Policy and Procedure (CPP) to be agreed by an AGM or EGM:

Existing text:

- Complaints Policy
 - 1.g) If a need for change is indicated, appropriate updates to this policy and procedure will be made with approval of the Committee, or the OM Constitution will be amended at AGM.

MOTION CPP 10

CPP 1) Complaints Policy

Insert a new paragraph immediately before point 1.e) of the Complaints Policy (and renumber accordingly), to read:

The OM Complaints Procedure and Personnel Procedure may only be applied to matters involving the membership category “*All of OM*”; therefore a complaint about any other person in OM will be referred to the appropriate Member Side to deal with.

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Explanatory Note

This Motion amends the Complaints Policy to ensure that Member Sides deal with complaints against their members, to comply with Constitution Rule 2.f), which requires that OM will not “interfere with the internal policies or practices of any Member Side”.

MOTION CPP 11

Complaints Policy 1.d) and Complaints Procedure 2.c)

Delete the two cautionary sentences from the beginning of Complaints Procedure 2.c

Restore at the end of Complaints Policy 1.d) and rephrase, so that 1.d) reads as follows:

- 1.d) Overall responsibility for the implementation of the Complaints Procedure and Personnel Procedure lies with the five elected Officers of OM; and at any stage:
 - i. the Committee may modify how the Complaints Procedure or Personnel Procedure are implemented to avoid any conflict of interest with individual Officers.
 - ii. the Committee may decide it is appropriate to seek outside help, eg from the Police, Citizens Advice Bureau, etc.

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Explanatory Note

The two sentences at the start of **Complaints Procedure: Stage Two** are actually OM policy matters, because they give the Committee a mandate to vary the implementation of the procedure.

This motion therefore removes those sentences from the Complaints Procedure and integrates them more appropriately into the Complaints Policy.

Existing texts

- 1.d) Overall responsibility for this policy and its implementation lies with the five elected Officers of OM.
- 2.c)
 - The Committee may need to modify this procedure to avoid any conflict of interest with individual Officers.
 - At any stage, the Committee may decide it is appropriate to seek outside help, eg from the Police, Citizens Advice Bureau, etc.

MOTION CPP 12

PERSONNEL PROCEDURE 3.c) and Complaints Policy 1

Delete all of section **3.c) PERSONNEL PANEL**

Renumber section 3 accordingly.

Restore by inserting a new paragraph 1.e) to read:

- e) As and when necessary, the Committee may convene a “Personnel Panel” to act independently of the Committee; and to that end:
 - i. the Committee will compile and keep updated a register of volunteer members who are willing and suitably experienced to be appointed to a Personnel Panel and/or as mediators in a dispute.
 - ii. none of those volunteers may be an Official or a member of any OM committee or subcommittee.

Renumber accordingly.

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Explanatory Note

The text in Personnel Procedure 3.c is actually an OM policy matter, because it defines a Committee responsibility to compile a register, and who will be on the register.

This Motion therefore moves the definition of a Personnel Panel into the Complaints Policy

MOTION CPP 13

3) PERSONNEL PROCEDURE

Insert a new paragraph 1.f) to read:

- f) In the event of a complaint or dispute regarding the Committee, the Committee will convene a Personnel Panel, none of whom will be associated with the matter in hand, and the members of the Panel will implement the Complaints and/or Personnel Procedure to resolve the matter.

Renumber accordingly.

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Explanatory Note

This Motion ensures that a complaint about the Committee as a whole is dealt with fairly by members who are independent of the Committee.