

A. EC DIRECTIONS: LAY MEMBER COMPLAINTS PROCEDURE

All members have the right to expect a quality service from their union, within the rules and the guidance set down by the Executive. Where a member feels that the union, its employees or its agents (eg. Solicitors) have not provided such a service; they have the right to complain and to seek a valid explanation of the Union's actions. Valid complaints may also give the union an opportunity to learn and improve its service to members.

In addition, we have standards and codes of conduct as to how we expect Unite employees, lay representatives and members to treat each other.

Where a member's complaint concerns advice from the union, union lawyers or the conduct of the unions lawyers, the Union shall use its usual procedures for legal service review, which may include the solicitors own internal complaints procedure. The decision shall be final.

This procedure is not designed to cover complaints against fellow members and/or elected lay representatives, complaints of this nature will be dealt with under Rule 27 Membership Discipline.

For the avoidance of doubt, a complaint cannot be made about any agreement or arrangement reached and negotiated by Unite or any representative on behalf of members, where members were consulted to ascertain their views as part of that process. Nor can the complaints procedure be used in regard to branch obligations, in respect of local branch rules, protocols, principals or procedures.

1. Members are asked, in the first instance, to seek to resolve their complaints informally, either with the Unite employee concerned or with the Regional Secretary. The members Branch Secretary or workplace representative may have an important role in providing advice and guidance at this point. The Unite employee should have the opportunity to address the complaint.
2. Where this procedure fails to reach a resolution, a formal complaint should be submitted.
3. All complaints should be submitted in writing to the office of the General Secretary. The aim is to acknowledge receipt within a week and allocate a senior officer to investigate.
4. An assessment will be made as to the most appropriate person to investigate that complaint. In respect of Unite employees in the regions, this will normally be the Regional Secretary but may be a National Officer or other official. For head office employees, a decision will be taken by the General Secretary. In cases where the complaint is against the Regional Secretary, another senior officer will be asked to consider the complaint.
5. Any investigation will be conducted fairly and with no initial presumption of fault on either side; at any investigatory meeting/hearing the complainant may be accompanied by another member of Unite.

6. Once completed, if the complainant is not upheld, the investigating officer shall communicate to the member as quickly as possible their decision and the reasons for it. It is hoped that the member will be informed of the decision at most, no more than one month after receipt of the complaint by the investigating office.
7. The member may ask for a review of the decision. Any request for a review should be submitted to the General Secretary and should specify the grounds on which the member is disputing and appealing against the findings of the investigation.
8. On receipt of this request for a review, the General Secretary shall consider it and shall ask an Assistant General Secretary or other appropriate officer of senior rank, together with the Chair of the Executive Council (or nominated EC substitute), to conduct a review of the case and adjudicate. The decision of the AGS (or senior official) and Chair of the Executive Council (or nominated EC substitute) in this case is final.
9. Should a complaint be upheld, the Regional Secretary, or in the case of head office, the General Secretary, shall consider what remedial action may be necessary.
10. Should a complaint be upheld, the complainant will be informed of what remedial action will/has been taken or if the matter has been referred to the employee's disciplinary procedure.
11. If disciplinary action against a Unite employee is deemed appropriate by Regional or General Secretary, this shall be executed under the procedures negotiated with employee's representative bodies for that purpose.
12. To ensure complaints are dealt with in a timely manner, the Executive Council will be provided with a quarterly complaints report outlining a brief summary of the complaint, outcome and timescales.

If during an investigation of a serious complaint and/or allegation the complaint is found to be vexatious, malicious or defamatory, this may be considered a breach of rule and may lead to disciplinary action under Rule 27: Membership Discipline.