



CLITHEROE u3a

Registered Charity No. 10082254

Complaints and Disciplinary Policy & Procedures

Complaints procedure: this may include complaints from members about an issue that has arisen or complaints from an external organisation or individual. Depending on the nature and source of the complaint, the committee will make a decision as to how best to approach reaching a resolution.

Disciplinary procedure: this sets out how the u3a will approach problems related to a breach or suspected breach of the agreed code of conduct by a member or trustee.

Confidentiality

Confidentiality will be maintained at all times. For serious issues Clitheroe u3a might contact the Third Age Trust for support. This might include liaising with the Regional Trustee and/or Trust volunteers supporting the u3a to deal with the issue.

Sharing information will not constitute a breach of confidentiality.

All situations will be dealt with discreetly and respect will be shown to the parties and views involved.

With respect to serious complaints or breaches of codes of conduct it may be advisable that a statement of confidentiality should be signed by all people involved, at the start of any hearing.

Complaints procedure

In any organisation, complaints will occur from time to time and it is important that members know where to turn for help, advice and support so that, whatever the issue, it can be dealt with quickly, objectively and appropriately.

In the first instance, complaints should be directed towards a member of the committee of the u3a, normally to the Chair.

Depending on the nature and source of the complaint, the committee will make a decision as to how best to approach reaching a resolution.

In dealing with complaints, the u3a committee will ensure:

- Complaints will be dealt with quickly and fairly.
- The u3a committee will try to de-escalate the situation and settle issues without having to resort to formal action, where possible.
- Confidentiality will be maintained. For more serious complaints, the committee may need to liaise with and share information with the Third Age Trust. This will not constitute a data breach due to the u3a's membership of and affiliation to the Trust.
- Decisions made will be based on the facts and evidence gathered.
- All actions will be documented.

Informal process

In most cases, it is hoped that complaints can be dealt with informally as detailed below:

- Depending on what the issue is, a decision should be taken as to who the best person is to lead on attempting to resolve the situation informally. If an issue has arisen between two members in a group then the Group Convenor may be the best person supported by the Groups' Coordinator, if considered appropriate. For issues involving committee members it will be best for another committee member to attempt to mediate and try to find a solution. The initial stage requires checking with the party raising the concern as to whether they are willing to accept an informal outcome as opposed to going through a formal process.
- The person(s) identified to lead on the informal stage (hereto referred to as the designated Trustee) will hold an informal discussion with all relevant parties. The purpose of this would be to understand the problem and hear each party's views. The parties may decide to put their concerns or complaints in writing, and for the sake of clarity, this is often helpful.
- If there are several people involved with the complaint – it may be deemed appropriate to speak with others mentioned so that as full a picture as possible is obtained.
- The purpose of the informal meetings will be to seek to summarise the situation with both parties, attempting to reach a mutually satisfactory outcome, agree any changes required to ensure that the situation does not happen again and clear the air.
- If it is considered that there is a case to answer but that nevertheless it is a minor issue, and all parties are willing to accept the agreed outcome, then it should be made clear that there should be no repeat of the actions/behaviour and that no further action is necessary.
- If, however, it is considered by the designated Trustee on the informal stage, that the situation warrants a more formal approach or a specific course of action e.g. exclusion from an interest group; or if the person raising the complaint wishes to lodge a formal complaint, the designated Trustee will advise the complainant that the issue should be referred, in writing, to the Chair of the u3a Committee stating that this is a formal complaint. This will include a summary of the complaint, any steps already taken to deal with the issue and any action that the parties involved consider necessary to resolve it.

Formal process

Where someone wishes to raise a formal complaint, they will be asked to put the complaint in writing providing as much information as is relevant and giving specific dates and times – where possible. The complainant should also be asked as to what outcome they are hoping to achieve by making the complaint, for example, whether they would be prepared to accept an apology. Explain to the complainant that whilst their desired outcome forms part of their complaint, they need to be aware that there are no guarantees as to what the likely outcome will be.

The committee will appoint a Trustee who acts as the designated Trustee for managing complaints. The committee may also contact the Third Age Trust and request support from the Regional Trustee, a Trust volunteer and/or u3a Office staff. The committee will inform the complainant that additional support has been requested and the reasons why.

A letter or email will be sent to the complainant confirming receipt of the complaint and



- if the complaint is deemed to be a disciplinary then the disciplinary procedure will be followed.
- if the complaint is deemed to not involve a disciplinary matter then the following process will be undertaken.

The Chair will appoint either one or two people to lead on the investigation. This will include gathering information and conducting interviews related to the complaint. The person(s) against whom the complaint has been made will be informed about the basis of the complaint. This will include the letter of complaint and any supporting documentation or other member statements. The result of these investigations must not be disclosed to any other Trustees at this stage, in order to not bias any appeal.

The Chair will appoint a subcommittee of three committee members to hear the complaint.

The timetable for the date of the meeting to hear the complaint will be short, **within 14 days**. The subcommittee will then consider the matter, taking into account any mitigating circumstances and agree what action to take. This could include, for example, a change of procedures, a change of venue for monthly meetings or whatever outcome is deemed the most appropriate as a solution.

Decision

The subcommittee decision will be communicated **in writing** to both the member or Trustee who raised the complaint and the member or Trustee against whom the complaint has been made. Both parties will be informed as to the outcome of the investigation in respect of whether the complaint has been upheld or not upheld. If the complaint has been upheld, the letter will also specify what action will be taken as a result.

Right of appeal

A right of appeal should be offered providing it is lodged **within a 7 day period from the date of the subcommittee decision** being provided to the complainant and the member or Trustee against whom the complaint has been made. The appeal needs to be lodged in the form of a written representation for the committee to consider. An appeal can be lodged either by the person who made the complaint or by the person against whom the complaint has been made.

The appeal can include a request for a right of reply as well as written representations.

For the appeal, the Chair will convene a meeting of three Trustees (including themselves). This should not include those who were involved in the initial investigation.

The person raising the appeal will be offered a verbal right of reply, if they wish to take this up then they will be asked to attend a meeting with the appeal panel. Where the verbal right of reply involves the member or Trustee against whom the complaint has been made, they will be offered the option to attend with a companion who may also speak in a personal capacity.

The whole issue will be summarised and the person making the appeal will be given the opportunity to speak. The appeal panel will review the decision based only on the facts included in the original hearing, taking into account any mitigating circumstances, and then make a final decision, which must be communicated **in writing** to both parties.

The decision of the Appeals sub-committee is final.

Disciplinary procedure

This procedure sets out how Clitheroe u3a will approach problems related to a breach or suspected breach of the agreed Code of Conduct by a member or Trustee. This procedure is intended to ensure any issues are dealt with promptly, fairly and consistently. All parties are encouraged to take a problem-solving approach to achieve resolution.

In the event of a report of any member or Trustee allegedly breaching the Code of Conduct or if a breach becomes apparent, the Chair will be notified immediately.

- Disciplinary matters (including the appeals procedure) will be dealt with quickly and fairly.
- Clitheroe u3a will strive to de-escalate any situation and to settle the issue without having to resort to formal disciplinary action.
- Clitheroe u3a will seek additional support from Trust staff, the Regional Trustee and Trust volunteers, as required. All requests for support will go via the u3a Office.
- Confidentiality will be maintained at all times. For more serious issues Clitheroe u3a will liaise with the Third Age Trust to seek advice and guidance about procedural issues. Sharing of information with the Trust will not constitute a breach of confidentiality due to the affiliation with the Trust. Members involved in the disciplinary procedure will be informed of the Trust's involvement.
- Decisions will be based on facts and evidence.
- Every action will be documented.

The disciplinary procedure will be implemented once all steps that have been taken to resolve matters informally have been unsuccessful and/or where a matter is deemed by the u3a committee to be so serious that the only relevant course of action is to follow the disciplinary procedure.

Informal procedure

It is very important to try and resolve disputes amicably and informally. This is more likely to lead to a better relationship between the parties in the longer term. The Chair will use his/her best endeavours to resolve the problem amicably and quickly, through an informal discussion with the member or Trustee in question. The Trustee or member will be informed that if any areas of activity that could potentially be of a disciplinary nature are found, they will be requested to attend a meeting with an initial Hearing Committee.

The informal discussion will be clear and all parties should understand their obligations at the end of the meeting. A **confidential written record** of the outcome of the informal discussion should be kept by the Chair.

Formal procedure

However, if the initial process is not effective in reaching a solution or if it is felt that the alleged breach is serious enough to require formal disciplinary action, the Chair will appoint two investigating trustees (who are not involved or connected to any party in the alleged breach) to investigate it. The Chair will appoint a subcommittee of a minimum 2/3 committee members (where possible) to hear the alleged breach.

The result of these investigations must not be disclosed to any other Trustees, at this stage, in order to not bias any appeal. The timetable for the date of the meeting to hear the breach of code of conduct will be short, **preferably within 14 days** from the date when the Chair is first advised.

A letter will be sent to the member/Trustee who is alleged to have breached the Code of Conduct for the purpose of:

- Advising they are subject to a formal disciplinary procedure.
- Advising them of what constitutes the alleged breach of Code of Conduct.
- Asking for their response to the breach in writing.
- Advising them of the date of the breach hearing.
- Advising that they can also attend the subcommittee meeting to state their response in addition to their written response.
- Advising them they may choose to bring a companion, if they wish, who will also be bound by confidentiality.

If the member/Trustee advises that there are witnesses to the incident(s) who are willing to give representations, they will ask those witnesses to contact the subcommittee to agree to giving a statement relating to the specific incident(s) that they have witnessed. It is important that any statements taken are a factual representation of what the witness says. The statement should not be an interpretation or opinion of what he/she says.

The Hearing Committee

With respect to serious complaints or breaches of codes of conduct it may be advisable that a statement of confidentiality should be signed by all people involved, at the start of any hearing.

The Hearing Committee will be the members of the committee appointed by the Chair.

The initial Hearing Committee will examine the matter, considering any written statements submitted, verbal statements and any mitigating circumstances. From this the Hearing Committee will agree whether any disciplinary action has taken place.

The full committee may be told that a disciplinary procedure has been initiated and is being dealt with, but not given any of the detail. This is necessary in order not to bias any appeal that they may be required to hear at a later date.

Note: If the Chair of the committee is suspected to have breached the Code of Conduct, then the Vice Chair will replace the Chair in the procedure. In this case, and in the event of an appeal, the Vice Chair may choose to ask committee members from a neighbouring u3a or seek advice or request attendance from Third Age Trust staff or Trustees.

The initial Hearing Committee may decide there is no breach of conduct in which case they will advise the member or Trustee of this outcome. If they do feel that the Code of Conduct has been breached they can consider any of the following possible forms of disciplinary action. Levels 4 and 5 will only be invoked in the case of significant breaches of the code or a persistent repetition of behaviour about which the member or Trustee has previously been warned, such as not complying with the terms of the constitution.

Levels of action

Level 1

No case to answer. No further action necessary.

Level 2

A verbal warning which makes clear the nature of the unacceptable behaviour and includes a warning about future conduct and the consequences of non-compliance. The Chair should give the warning on behalf of the initial Hearing Committee. Details of the warning should be recorded, dated and kept on file.

Level 3

A written warning from the Chair, on behalf of and agreed by the sub-committee, itemising the unacceptable behaviour, stating the improvement required with immediate effect and the consequences of continued non-compliance.

Level 4

A final written warning as above, which states that if the behaviour is repeated the member or Trustee will be asked to leave the u3a or committee, with immediate effect.

Level 5

The Trustee or member is asked to leave either the committee or the u3a.

Gross misconduct

If there is a case to answer, for most problems the process will start at Level 1. However, in the case of an extremely serious proven misdemeanour, for example:

- Sexual/racial abuse, discrimination, harassment, bullying.
- Dangerous or violent behaviour.
- Falsification of expense claims.
- Theft.



- Malicious damage.
- Conduct which brings the u3a into disrepute or is prejudicial to the u3a or the running of the u3a.

The committee has the right to move immediately to Levels 4 or 5, including asking the Trustee or member to leave.

Decision

The decision should be communicated in writing to the member or Trustee advising them if the breach of the Code of Conduct has been upheld or not upheld. If the breach has been upheld, they will be informed:

- Of the action that will be taken as a result;
- That they have the right of appeal;
- That the right of appeal can only relate to the original breach;
- That the appeal request must be lodged with the Chair **within 14 days** from the date the decision is communicated.

Right of appeal

The Trustee or member who is alleged to have breached the Code of Conduct must be informed of their right of appeal at the end of the initial hearing. The appeal must be lodged **within a 7 day period**, from the date of the appeal request and must take the form of written representation with the opportunity to attend an appeal meeting for a right of reply. The Trustee or member must be advised of their right to attend with a companion.

The written appeal request must be sent to the person chairing the initial hearing. The Chair should be informed of the intention to appeal by the person chairing the initial hearing. The Chair will then convene a further sub-panel of Trustees who did not hear the original disciplinary, to hear the appeal.

The Appeal Panel will then hold an appeal hearing to consider any written response and representations in order to make their decision on whether to uphold the appeal or not. This will be independent of the initial hearing and trustees should not discuss this outside of the appeal sub-panel.

If the member or Trustee concerned requests a right of reply to the Appeal Panel the member or Trustee can be accompanied by a companion who may also speak in a personal capacity, if they wish.

The Chair of the Appeal Panel will summarise the issues involved in the disciplinary hearing and the information provided and then the member or Trustee will be given the opportunity to speak, along with their companion if the companion wishes to speak.



The Appeal Panel will review its decision, considering any mitigating circumstances, and then make a final decision which must be communicated in writing **within 7 days of the appeal meeting**.

The committee's decision following any appeal is final and absolute confidentiality must be maintained.

This policy was adopted on: 14 March 2024

Review date:

Signed Clitheroe u3a Chair: