

## DISCIPLINARY PROCEDURE

This procedure sets out how Great Glen Oadby & Wigston u3a will address a breach or suspected breach of the agreed Code of Conduct by a member or Trustee. The 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 an allegation of a breach of the Code of Conduct by any member or Trustee or if a breach becomes apparent, the Chair will be notified immediately.

Great Glen Oadby & Wigston u3a will ensure the following:

- Every action will be documented.
- Disciplinary matters (including the appeals procedure) will be dealt with quickly and fairly.
- Great Glen Oadby & Wigston u3a will strive to de-escalate any situation and to settle the issue without recourse to formal disciplinary action.
- Great Glen Oadby & Wigston u3a will seek additional support from Trust staff, the Regional Trustee and Trust volunteers, as required. Requests for such support will be routed via the National Office.
- Confidentiality will be maintained at all times. Great Glen Oadby & Wigston u3a will seek advice and guidance when required about procedural issues from the Third Age Trust. Sharing of information with the Trust will not constitute a breach of confidentiality owing to our 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.

The formal disciplinary procedure will be instigated once all steps taken to resolve matters informally have proved 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.

### Confidentiality

All procedures and documents relating to a disciplinary will be kept confidential at all times. Information will be shared with those only (including Trust staff and volunteers, as required) who have a genuine need to receive it. All situations will be addressed discreetly and with respect for the parties and views involved.

### Informal procedure

The Chair will use his/her best endeavours to resolve the problem amicably and quickly, through informal discussion with the person(s) raising the allegation and the member or Trustee.

The Trustee or member will be informed that if any issues that may warrant disciplinary nature are found, he or she will be asked to attend a formal Hearing.

The informal discussion will be clear and such that all parties understand their obligations at the end of the meeting.

### Formal procedure

If the initial process does not achieve a solution or if it is felt that the alleged breach is serious enough to require formal disciplinary action, the Chair will appoint one or two

investigating officers (usually Trustees of Great Glen Oadby & Wigston u3a, who should not be involved or connected to any party in the alleged breach) to investigate the matter.

The Chair will appoint a Panel of two or three members to hear the alleged breach, drawn from the Trustee Committee, the Third Age Trust or the Trustee Committees of neighbouring u3as. The result of the investigations will not be disclosed to any other Trustees, at this stage, in order to avoid bias to any appeal.

The timetable for the date of the meeting to hear the alleged breach of the Code of Conduct will, wherever feasible, be within 14 days from the date that the Chair is first advised.

A letter will be sent to the member/Trustee who is alleged to have breached the Code of Conduct to advise this person:

- that the formal disciplinary procedure has been invoked.
- of the nature of the alleged breach of Code of Conduct.
- that a written response is requested.
- of the date of the Hearing.
- that (s)he may attend the Hearing to present the response in person, and may be accompanied by a supporter (a friend or relative, but not a legal representative), if desired.

If the member/Trustee advises that there are witnesses to the incident(s) who are willing to give representations, such witnesses may be invited by the member/Trustee to provide to the Panel in advance of the Hearing a written statement relating to the specific incident(s) that they have witnessed, and to attend the Hearing to present and be questioned about their statement.

## The Panel

One member of the Panel will be elected as Chair. Another will be the designated note-taker.

The Panel will examine the matter, considering any written statements submitted, oral statements and any mitigating circumstances. Drawing upon its evaluation of the evidence presented the Panel will determine, on the basis of probability, whether and how far the Code of Conduct has been breached and will recommend appropriate action.

*Note: If the Chair of the Committee is alleged to have breached the Code of Conduct, then the Vice-Chair will replace the Chair in the procedure. Similarly, if the Chair is unavailable, for example by reason of significant absence or illness, the Vice-Chair will assume the role of the Chair.*

The Panel may consider any of the following possible forms of disciplinary action. Levels 4 and 5 will be invoked in the event of significant breaches of the Code only or of 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

An oral warning which makes clear the nature of the unacceptable behaviour and includes a warning about future conduct and the consequences of non-compliance.

### Level 3

A written warning itemising the unacceptable behaviour, and 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 membership will be curtailed or terminated, with immediate effect.

### Level 5

Membership of one or more interest groups, the u3a or the Committee is terminated.

## 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 Panel has the right to move immediately to Levels 4 or 5.

## Decision

The Panel will report its conclusions and recommendations to the Chair. The Trustee Committee may be told that a disciplinary procedure has been initiated, but will not be informed of the detail. (This is necessary in order not to bias any appeal that other Trustees may be required to hear at a later date.)

The decision will be communicated in writing by the Chair, in terms discussed and agreed with the Panel, to the member or Trustee advising him/her whether the allegation of the breach of the code of conduct has been upheld. If the allegation has been upheld, the member or Trustee will be informed of the resultant action and of the right of appeal, as described below.

## Right of Appeal

Appeals must be lodged with the Chair in writing (other than in exceptional circumstances, such as major illness or accident) within 14 days of the notification of the result of the Hearing. The only admissible grounds for appeal are as follows:

- Relevant evidence or submissions were not considered by the Panel
- Fresh evidence has come to light since the Hearing that might change the decision of the Panel
- The matter was not handled in accordance with procedure.

The Trustee or member will be advised of his/her right to attend the Appeal Hearing, with a supporter if wished. The Chair will then convene an Appeal Panel of Trustees who have not been involved in previous stages of the matter to hear the appeal. (If appropriate, recourse may again be made to the Trustees of neighbouring u3as or to the Third Age Trust.)

The Appeal Panel will then hold an Appeal Hearing to consider the grounds of appeal and any supporting representations / evidence. The Chair of the Appeal Panel will summarise the

issues involved in the original Hearing and the information provided. The member or Trustee will be given the opportunity to speak, along with the companion if the companion wishes to speak.

The Appeal Panel will review the decision, considering any mitigating circumstances, and decide to what extent, if at all, the appeal is to be upheld. The Chair will be informed of Appeal Panel's decision. The Chair will then communicate the decision, which is final, in writing to the member or Trustee with seven days. Strict confidentiality is maintained throughout.

## Records

Confidential written records of formal and informal disciplinary proceedings will, other than for very minor matters, be made and will be retained by the Chair for two years.

Procedure Reviewed 7 December 2021

Reviewed February 2023

Next Review February 2025

Name change 1<sup>st</sup> April 2024