



CODE OF CONDUCT FOR U3A TRUSTEES IN ENGLAND AND WALES

INTRODUCTION

“Charity trustees are responsible for controlling the management and administration of a charity. They should work together as a team and have collective responsibility for their charity” (Charity Commission).

A trustee code of conduct is an agreement between the organisation and the individual committee member which spells out the standards of behaviour expected.

Current and new trustees should be asked to confirm their acceptance of the code which should be minuted. Alternatively you can ask each trustee to indicate acceptance by signing and dating a copy which should be kept on file.

GENERAL

- Trustees must read the Charity Commission leaflet CC3 entitled ‘The Essential Trustee – what you need to know’ which can be downloaded from the Charity Commission website.
- Trustees must comply with Charity Law and the requirements of the Charity Commission as regulator.
- Trustees are expected to know, follow and promote the Principles of the U3A Movement at every opportunity.
- Trustees must always act in the best interests of U3A and the U3A Movement, strive to uphold its reputation and never do anything which could bring U3A or the Movement into disrepute or expose it to undue risk.
- Trustees are expected to reflect the current organisational policy of U3A, regardless of whether it conflicts with their personal views.
- Trustees are expected to abide by U3A’s governance procedures and practices.
- Trustees must never derive any pecuniary benefit from being a trustee and must notify the Chairman of any gifts received.
- Trustees are expected to use U3A’s resources responsibly and only to further its stated charitable objects/purposes.
- Trustees should inform the Chairman before accepting an invitation to speak on behalf of the U3A.
- Trustees will respect both the authority of the Chairman in the role of meeting leader and accept majority committee votes as final.
- Trustees are expected to treat fellow committee members courteously and maintain a respectful attitude towards the opinions of others.
- Organisational, committee and individual confidentiality must be respected at all times.

SPECIFIC – COMMITTEE MEETINGS

Preparation for and attendance

Trustees are expected to study the agenda and all supporting papers prior to the meeting and strive to attend all meetings.

Conflict of Interest

Trustees must declare a conflict or possible conflict of interest at the start of the committee meeting or at the earliest possible opportunity. The Chairman will then decide whether to exclude the trustee from a particular item or even from the whole meeting. In the event that the Chairman has a conflict of interest, then the committee should request the Vice-Chairman to rule on the matter.

Confidentiality

In order that all trustees feel comfortable expressing their views and ideas it is essential that everybody maintains complete confidentiality outside the committee at all times. The decisions made by the committee are minuted and once approved, the minutes are available on request to members.

Corporate responsibility

No matter what individual trustees' opinions or voting choices are, once an item is approved by the committee, all trustees must accept it as decisive and final and not comment further outside the committee environment.

Procedure to be followed in the case of a breach of the agreed Code of Conduct

In the event of a report of any trustee allegedly breaching the code of conduct or if a breach becomes apparent, the Chairman should immediately appoint two trustees to investigate and report back. The result of these investigations must not be disclosed to any other trustees at this stage.

NB. If the complaint concerns the Chairman, then the Officers acting as a group should take responsibility.

For minor breaches of the code, the Chairman shall use his/her best endeavours to resolve the problem amicably and quickly, through an informal chat with the trustee in question, especially if the breach has occurred during a committee meeting and therefore requires no prior investigation. However, even an informal discussion should not be vague. The problem or issue needs to be identified and the views of the trustee should be heard but the Chairman must make clear what is required going forward and the consequences of repeating the behaviour in question. A written record of the informal discussion should be kept by the Chairman, but it should be stressed that this is not part of any formal disciplinary procedure.

However, if this process is not effective in reaching a solution or if it is felt that the breach is serious enough to require formal disciplinary action, the committee should be fully briefed and an agreement reached on the action to be taken.

Recommended Disciplinary Procedure

Level 1

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. It is up to the committee to decide who should give the warning and who else should be in support. Details should be recorded with a date and kept on file.

Level 2

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

Level 3

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

Level 4

The trustee is asked to leave.

Right of Appeal

At each stage of the formal disciplinary procedure there is a right of appeal providing it is lodged within a 7 day period. This can take the form of written representation or the desire for a right of reply.

Hearing an Appeal

If a decision is appealed, the trustee should be given the opportunity to attend a specially arranged committee meeting, with a friend if so desired, who may also speak. Reasonable notice must be given of the agreed date and at the meeting the Chairman should summarise the issue and invite the trustee to state his/her case.

The trustee should then be informed when a decision will be communicated.

The matter should be fully discussed, taking into account any mitigating circumstances.

Once a decision is reached the trustee should be informed in writing.

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

In most cases disciplinary action would and should begin at Level 1. Levels 3 & 4 should only be invoked in the case of significant breaches of the code or a persistent repetition of behaviour which the trustee has previously been warned about, such as not complying with the terms of the constitution.

Examples of significant breaches would be:

- Grossly indecent or immoral behaviour – sexual/racial abuse, discrimination, harassment, bullying
- Dangerous or violent behaviour
- Incapacity caused by medication/drugs/alcohol
- Falsification of expense claims
- Theft
- Malicious damage
- Bringing the U3A/U3A Movement into disrepute.

Should you be in the unfortunate situation of having to resort to a formal disciplinary procedure, please remember the following:-

- All action taken must be documented
- You must at all times act fairly and even-handedly
- Decisions must be made by the committee.

LJ/October 2014