



Northumbria Region U3A (NRU3A) Disciplinary Procedure

In any organisation, problems will occur from time to time. 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.

This procedure is for any U3A member and sets out how NRU3A will approach problems, to ensure they are dealt with in this way. This procedure is for grievances, complaints or breach of members or Trustee's code of Conduct.

Problems can arise, for example:

- disruptive and/or unsocial behaviour;
- failure to pay fees;
- disagreement between members.
- A member who brings the U3A into disrepute or acts in a way which is prejudicial to the U3A.
- A member who causes damage to property and/or equipment, for example, through misuse or negligence

The above should all be brought to a member of committee (referred to after this as the Designated Trustee) in the first instance unless that person is personally involved, in which case, it will be referred directly to the Chair. Responsibility for dealing with problems (other than those raised by or against the Chair) rests with the Chair and the Committee.

Confidentiality needs to be maintained, not shared with all the committee, in the eventuality of a panel being needed to resolve a complaint

In dealing with a problem, NRU3A will ensure the following

- All action taken will be documented
- It will be dealt with quickly and fairly
- The recipient of the problem will try to de-escalate the situation and settle the issue without having to resort to formal action
- All communication will be based on fact and evidence provided.

Confidentiality

Confidentiality will be maintained at all times. For serious issues NRU3A 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 with the Trust will not constitute a breach of confidentiality.

Individual members involved in problem procedures will be informed of the involvement of the Trust.

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

It is advisable that a statement of confidentiality should be signed by all people involved, at the start of any hearing.

Informal process

When a problem is referred to the designated Trustee they will:

- attempt informal resolution, by holding an informal discussion with each party concerned. The purpose of this would be to understand the problem and hear each party's views. The parties may decide to put their concerns in writing, and for the sake of clarity this is often helpful.

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- The Designated Trustee will seek to summarise the situation with both parties, being clear about any required changes to ensure it does not happen again, and clear the air.
- If the designated Trustee feels that there is a case to answer but that nevertheless it is a minor issue, it will be made clear to all present that there must be no repeat of the sort of actions/behaviour which led to this problem. If that outcome is acceptable to both parties, then no further action is necessary.
- If, however, the designated Trustee feels that the situation warrants a more formal approach or a particular course of action or if the person raising the problem wishes to lodge a formal complaint, the designated trustee will refer the matter, in writing, to the Chair of the Committee stating that this is a formal complaint. This will include a summary of the problem, any steps already taken to deal with the issue and any action that the parties involved consider necessary to resolve it.

Committee procedure (formal written complaint)

The formal complaint procedure will only be activated after every effort has been made to resolve the issue informally.

The designated Trustee will inform the Chair that there is a complaint that needs to be investigated.

The full Committee will 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 there is a complaint against the Chair of the, 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, Network or Region and seek advice or request attendance from Third Age Trust staff or Trustees.

A letter will be sent by the Chairman, **or the Vice-chair** to the member against whom the complaint has been made:

- advising them of the complaint, of the date of the hearing and asking for their response in writing.
- advising that they can also attend the meeting to state their response in addition to their written response and that they may choose to bring a companion who will also be bound by confidentiality.

A letter will be sent by the Chairman/Vice Chair to the member lodging the complaint :

- confirming receipt of the complaint
- advising them to send clear and specific details of the complaint including dates and times if relevant, and the date of the complaint hearing
- advising that they can also attend the meeting to state their complaint in addition to their written response and that they may choose to bring a companion who will also be bound by confidentiality.
- If either member advises that there are witnesses to the complaint incident(s) who are willing to give representations, they should ask those witnesses to send their statements to the panel convenor.

The panel

The Chair/Vice Chair will appoint an investigating Trustee to gather information relating to the complaint. This will include the letter of complaint and any supporting documentation or other

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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 /Vice Chair will appoint a panel of 3 committee members to hear the complaint, plus one to be the Panel Convenor.

The timetable for the date of the meeting to hear the complaint will be short, preferably within 7 to 14 days.

The Panel Meeting

The meeting must be minuted. The minutes must be confidential. and **MUST NOT** be published on any website or distributed to anyone outside of the panel.

This panel will consider the matter, taking into account any mitigating circumstances and agree what action to take. They will record their decision and give reasons for the decision based on the factual information in the statements and any verbal reports provided.

This could include, for example, a change of procedure, a change of venue for monthly meetings or whatever outcome is deemed the most appropriate as a solution.

Possible forms 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 /Vice Chair will give the warning on behalf of the initial Hearing Panel. Details of the warning will be recorded, dated and kept on file.

Level 3

- A written warning from the Chair /Vice Chair, on behalf of and agreed by the Panel, 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, network or Committee, with immediate effect.

Level 5

Level 5a - banned from an interest group

Level 5b - banned from Network/Region for a stipulated amount of time

Level 5c - banned from holding U3A membership

Decision

The initial Hearing Panel may decide there is no case to answer in which case they will advise the member or Trustee of this outcome.

If there is a case to answer, most outcomes will start at Level 2 e.g.

- disruptive and/or unsocial behaviour;
- failure to pay fees;
- disagreement between members;
- A member who causes damage to property and/or equipment, for example, through misuse or negligence

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However, in the case of an extremely serious proven misdemeanor or Gross misconduct , for example

- 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 3, 4 or 5, including asking the member to leave the interest group, network, region or to leave the U3A, depending on the outcome.

Communication of Decision

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

- the action that will be taken as a result;
- that they have the right of reply within 7 days;
- that any right of appeal can only relate to the original grievance;
- that any appeal request must be lodged with the panel convenor. within 14 days of receipt.

The panel decision, in the case of Levels 1-4, will be communicated in writing by the Convenor to both the member who raised the complaint, and the member against whom the complaint was made.

In the case of a Level 5 decision, the Convenor will notify the Trust, who in turn will inform the convenor of the action to be taken.

Right of Reply

If the member concerned, or the complainant, requests a right of reply within a 7 day period, the original panel convenor will arrange a meeting with the member in question, who, again, may be accompanied by a companion who may also speak in a personal capacity.

Right of Appeal

An appeal, providing it is lodged within a 14 day period, can take the form of a written representation for the panel to consider.

The panel convenor will be informed of the intention to appeal by the member.

The Convenor will then arrange a further panel of members who did not hear the original grievance, to hear the appeal. This panel will consider any written response and make their decision on whether to uphold the appeal or not.

This will be independent of the initial hearing and members should not discuss this outside of the appeal panel.

The whole issue will be summarised and then the person making the appeal given the opportunity to speak, along with their companion, if they wish to.

Final Decision

The appeal panel will take into account any mitigating circumstances, and then make a final decision, which must be communicated in writing within 7 days of the appeal meeting.

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The decision must be minuted and these minutes must be kept confidential. If a level 5 decision is taken, the Trust must be informed and will produce the outcome letter providing a full explanation and send to both people involved.

The panel decision following any appeal is final and confidentiality must be maintained. Exceptions to this would be for gross misconduct issues that necessitated informing appropriate authorities and legal advice would be sought by National Office.

Once completed, all the paperwork will be sealed in a signed envelope and kept for 3 years by Chair/Vice Chair of the U3A, region or network.