



## **Disciplinary Procedure for Stoke-on-Trent South U3A**

This procedure sets out how Stoke-on-Trent South U3A will approach problems related to a breach or suspected breach of the agreed Codes of Conduct by either 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 agreed Codes of Conduct, or if a breach becomes apparent, the Chairman will be notified immediately.

In carrying out this procedure, Stoke-on-Trent South U3A will ensure the following:

- Every action will be documented.
- Disciplinary matters (including the appeals procedure) will be dealt with quickly and fairly.
- Stoke-on-Trent South U3A will strive to de-escalate any situation, and to settle the issue without having to resort to formal disciplinary action.
- Stoke-on-Trent South U3A may seek additional support from Trust staff, the Regional Trustee and Trust volunteers, as required. All requests for support will be routed via the National Office. Sharing of information with the Trust will not constitute a breach of confidentiality due to the affiliation with the Trust. Persons involved in the Disciplinary Procedure will be informed of the Trust's involvement.
- Decisions will be based on facts and evidence.

### **1. Confidentiality.**

All procedures and documents relating to a disciplinary matter will be kept confidential at all times. Information will only be shared with those who have a genuine need to receive it, and this will include Trust staff and volunteers. All situations should be dealt with discreetly, with respect shown for the parties and views involved.

### **2. Informal procedure.**

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

A confidential written record of the outcome of the informal discussion will be kept by the Chairman.

### **3. Formal procedure.**

The Disciplinary Procedure will be implemented once all steps taken to resolve matters informally have been unsuccessful, and/or where a matter is deemed by the Chairman to be so serious that the only relevant course of action is to follow the formal Disciplinary Procedure. The Chairman will appoint a Sub-committee of three trustees to hear the alleged breach, and he/she will chair the meeting. The full Committee may be told that a disciplinary process has been initiated, but will not be informed of any of the detail. This is necessary so as not to bias any appeal that they may be required to hear at a later date.

The timetable for the date of the meeting to hear the breach of the Code of Conduct will be short, preferably within 14 days from the date that the Chairman 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 the Code of Conduct.
- Asking for their response to the breach in writing.
- Advising them of the date of the Disciplinary Hearing.
- Advising that they can also attend the Disciplinary Hearing 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 Chairman to provide a statement relating to the specific incident(s). It is important that any statements taken are a factual representation of what the witness says, and not an interpretation or opinion of what is stated.

#### **3.1 The Disciplinary Hearing.**

The Sub-committee will examine the matter giving consideration to any written statements submitted, verbal statements, and any mitigating circumstances. It will then agree whether the action(s) is/are of a disciplinary nature.

**Note: If the Chair of the Committee is suspected to have breached the Code of Conduct, then the Vice-Chairman will replace the Chairman in the procedure. In this case, and in the event of an appeal, the Vice-Chairman may choose to ask Trustees from a neighbouring U3A, or seek advice or request attendance from Third Age Trust staff or Trustees.**

The Sub-committee may decide there is no breach of conduct, in which case it will advise the member or trustee of this outcome.

If the Sub-committee considers that there is a case to answer, in most instances the process will start at Level 1. However, in the case of proven gross misconduct, the Panel has the right to move immediately to Levels 4 or 5, examples of which are:

- 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.

### **3.2 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, together with the consequences of non-compliance. The Chairman will give the warning on behalf of the Hearing Sub-committee. Details of the warning will be recorded, dated and kept on file.

#### Level 3.

A written warning from the Chairman, 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 from the Chairman, 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 instructed in writing by the Chairman to leave either the Committee or the U3A.

### **3.3 Decision.**

The decision of the Sub-committee will be communicated verbally at the end of the meeting, and in writing to the member or trustee, advising him/her if the breach of the Code of Conduct has been upheld or not upheld.

If the breach has been upheld, the member or trustee 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 Chairman within 14 days from the date the decision is communicated.

### **4. Appeal Hearing.**

A written appeal request to attend an appeal meeting for a right of reply must be sent to the the Chairman of the Committee. The trustee or member will be advised of their right to attend with a companion, who may also speak in a personal capacity, if they wish. The Chairman will then convene a further Sub-committee of three Trustees who did not sit on the original Hearing. The Vice-Chairman will chair this Hearing.

The Sub-committee will then hold an Appeal Hearing to consider any written response and representations in order to make its decision on whether to uphold the appeal or not. The Vice-Chairman will summarise the issues involved 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 Sub-committee will consider any mitigating circumstances, and then make a final decision, which must be communicated in writing within 7 days of the Appeal Hearing.

The Sub-committee's decision following any appeal is final, and absolute confidentiality will be maintained.

### **Review of Procedure.**

This Procedure was adopted at a Committee Meeting of Stoke-on-Trent South U3A on 10<sup>th</sup> January 2019, and will be reviewed at least every 3 years.