



DISCIPLINARY PROCEDURE SAMPLE

Category: Running the u3a

1. Purpose

To provide a disciplinary procedure

2. Scope

Relevant to u3a

3. The difference between a complaints and disciplinary procedure

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 Trustees 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.

4. Disciplinary – responsibilities of the committee

This procedure sets out how Chinnor & District 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.

In carrying out this procedure, Chinnor & District u3a will ensure the following:

- Every action will be documented.
- Disciplinary matters (including the appeals procedure) will be dealt with quickly and fairly.
- Chinnor & District u3a will strive to de-escalate any situation and to settle the issue without having to resort to formal disciplinary action.
- Chinnor & District 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 Chinnor & District 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.

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.

4.1 Confidentiality

All procedures and documents relating to a disciplinary should 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, as required. All situations should be dealt with discreetly and by showing respect for the parties and views involved.

4.2 Informal procedure

It is very important to try and resolve disputes amicably and informally. This is more likely to lead to a positive relationship between the parties in the longer term. The Chair 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, they will be requested to attend a meeting with a subcommittee of Trustees set up to listen to the issues raised.

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

4.3 Formal procedure

However, if through the initial process a solution is not found or if it is felt that the alleged breach is sufficiently serious to warrant a 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 and a subcommittee of a minimum 2 committee to hear the alleged breach.

In order to avoid bias in there were to be an appeal these investigations must not be disclosed to any other Trustees at this stage. The hearing will take place within 14 days from the date that the Chair was first advised.

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

- Notify them that they are subject to a formal disciplinary procedure.
- Explain the alleged breach of Code of Conduct.
- Request a response to the breach in writing.

- Provide the date of the breach hearing.
- Offer the opportunity to attend the subcommittee meeting to respond and augment their written response.
- Advise that they may choose to bring a companion, who will also be bound by confidentiality.

Witnesses to the incident(s) who are willing to give representation, will be asked to provide a statement relating to the specific incident(s). It is important that any statements taken are a factual representation of what is said.

4.4 The Hearing Committee

The Hearing Committee will be appointed by the chair and comprise members of the committee. During the hearing the committee will examine the issues, considering any written and verbal statements and any mitigating circumstances. From this a decision will be made about whether there has been any disciplinary misdemeanour.

At this point all the Trustees may be told that a disciplinary procedure has been initiated, but detail should not be given because in the event of the appeal that they may be required to be involved at a later date.

Note: If the Chair of the committee is suspected to have breached the Code of Conduct, then another Trustee will manage the procedure. In this case, and in the event of an appeal, Trustees from a neighbouring u3a or a representative from Third Age Trust staff or Trustees may be approached

If at the initial hearing it is decided that there is no breach of conduct the member or Trustee will be told of this outcome. If it is decided that the Code of Conduct has been breached consideration will be given to the level of disciplinary action to be taken (see below).

Levels 4 and 5 will only be invoked in the case of significant breaches of the code or a persistent repetition of unacceptable behaviour about which the member or Trustee has previously been warned, such as non-compliance with the terms of the constitution.

4.5 Levels of action

4.5.1 Level 1

No case to answer. No further action necessary.

4.5.2 Level 2

A verbal warning, given by the Chair. This outlines the unacceptable behaviour and includes a warning about future conduct and the consequences of non-compliance. Details of the warning should be recorded, dated and kept on file.



4.5.3 Level 3

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

4.5.4 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.

4.5.5 Level 5

The Trustee or member is asked to step down as a Trustee or leave the u3a.

4.6 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 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.

4.7 Decision

As soon as the deliberations have been concluded the decision should be communicated in writing to the member or Trustee to advise them of the outcome. 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, related to the original breach;
- That the appeal request must be lodged with the Chair within 14 days from the date the decision is communicated.

4.8 Right of appeal

The appeal must be lodged in writing within 7 days and sent to the chair of the initial hearing, They will be advised that they have a right to attend an appeal meeting for a right of reply and may bring a companion. In the event of an appeal the Chair should be informed and will convene a further sub-panel of independent Trustees to hear the appeal.



At the appeal meeting, the panel will consider any written response and representations in order to inform a decision about whether to uphold. This will be independent of the initial hearing and it should not be discussed outside of the appeal sub-panel.

The Chair of the appeal panel will summarise the issues involved in the disciplinary hearing and the information provided. The member or Trustee will then be given the opportunity to speak, and their companion may also be invited to contribute.

The appeal panel will review the decision, considering any mitigating circumstances, and then a final decision will be made and this 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.

Related Documentation

- Complaints Procedure Sample

All u3a advice and information documents can be accessed on the Support for u3as page of the u3a website: www.u3a.org.uk/advice

u3a	Disciplinary Procedure Sample – u3a	The Third Age Trust
Version	Description of changes	Date
1.0	Policy released in new formatting	19/11/21
2.0	Formatting and removal of references to the grievance policy (A complaints and disciplinary policy is sufficient)	13/12/2022