Thorley U3A - Disciplinary Procedure

1 Related documentation

Thorley Complaints Procedure

2. The difference between a complaints and a 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 Committee will make a decision as to how best to approach reaching a resolution.

Disciplinary procedure: this sets out how Thorley U3A will approach problems related to a breach or suspected breach of the agreed code of conduct by a member or trustee.

3. Disciplinaries – responsibilities of the Committee

This procedure sets out how Thorley 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, Thorley U3A will ensure the following:

- Every action will be documented.
- Disciplinary matters (including the appeals procedure) will be dealt with quickly and fairly.
- Thorley U3A will strive to de-escalate any situation and to settle the issue without having to resort to formal disciplinary action.
- Thorley U3A will seek additional support from Trust staff, the Regional Trustee and Trust volunteers, as required. All requests for support will go via the National U3A Office.
- Confidentiality will be maintained at all times. For more serious issues Thorley 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.

3.1 Confidentiality

All procedures and documents relating to a disciplinary must 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.

3.2 Informal procedure

It is very important to try and resolve disputes amicably and informally. This is more likely to lead to a better relationship between the parties in the longer term.

The Chair 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 Trustee or member will be informed that if any areas of activity that could potentially be of a disciplinary nature are found, they will be requested to attend a meeting with an initial Hearing Committee.

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

A confidential written record of the outcome of the informal discussion should be kept by the Chair.

3.3 Formal procedure

However, if the initial process is not effective in reaching a solution or if it is felt that the alleged breach is serious enough to require 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 it.

The Chair will appoint a subcommittee of a minimum 2/3 committee members (where possible) to hear the alleged breach.

The result of these investigations must not be disclosed to any other Trustees, at this stage, in order to not bias any appeal. The timetable for the date of the meeting to hear the breach of code of conduct will be short, preferably 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 for the purpose of:

- Advising they are subject to a formal disciplinary procedure.
- Advising them of what constitutes the alleged breach of Code of Conduct.
- Asking for their response to the breach in writing.
- Advising them of the date of the breach hearing.
- Advising that they can also attend the subcommittee meeting 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 subcommittee to agree to give a statement relating to the specific incident(s) that they have witnessed. It is

important that any statements taken are a factual representation of what the witness says. The statement should not be an interpretation or opinion of what he/she says.

3.4 The Hearing Committee

The Hearing Committee will be the members of the committee appointed by the Chair. The initial Hearing Committee will examine the matter, considering any written statements submitted, verbal statements and any mitigating circumstances. From this the Hearing Committee will agree whether any disciplinary action has taken place.

The full Committee may 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 the Chair of the Committee is suspected to have breached the Code of Conduct, 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 or seek advice or request attendance from Third Age Trust staff or Trustees.

The initial Hearing Committee may decide there is no breach of conduct in which case they will advise the member or Trustee of this outcome.

If they do feel that the code of conduct has been breached they can consider any of the following possible forms of disciplinary action. Levels 4 and 5 will only be invoked in the case of significant breaches of the code or 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.

3.5 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 and the consequences of non-compliance. The Chair should give the warning on behalf of the initial Hearing Committee. Details of the warning should be recorded, dated and kept on file.

Level 3
A written warning from the Chair, 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 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.

Level 5
The Trustee or member is asked to leave either the committee or the U3A.

3.6 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 proven misdemeanour, for example:

- Sexual/racial abuse, discrimination, harassment, bullying.
- Dangerous or violent behaviour.
- Falsification of expense claims.
- Theft.
- Malicious damage.
- Conduct which brings Thorley U3A into disrepute or is prejudicial to Thorley U3A or the running of Thorley U3A.

The Committee has the right to move immediately to Levels 4 or 5, including asking the Trustee or member to leave.

3.7 Decision

The decision should be communicated 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, they 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 Chair within 14 days from the date the decision is communicated.

3.8 Right of appeal

The Trustee or member who is alleged to have breached the Code of Conduct must be informed of their right of appeal at the end of the initial hearing. The appeal must be lodged within a 7 day period, from the date of the appeal request and must take the form of written representation with the opportunity to attend an appeal meeting for a right of reply. The Trustee or member must be advised of their right to attend with a companion. The written appeal request must be sent to the person chairing the initial hearing.

The Chair should be informed of the intention to appeal by the person chairing the initial hearing. The Chair will then convene a further sub-panel of Trustees who did not hear the original disciplinary, to hear the appeal.

The appeal panel will then hold an appeal hearing to consider any written response and representations in order to make their decision on whether to uphold the appeal or not. This will be independent of the initial hearing and trustees should not discuss this outside of the appeal sub-panel.

If the member or Trustee concerned requests a right of reply to the appeal panel the member or Trustee can be accompanied by a companion who may also speak in a personal capacity, if they wish.
The Chair of the appeal panel will summarise the issues involved in the disciplinary hearing 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 appeal panel will review its decision, considering any mitigating circumstances, and then make a final decision which 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.