

Date approved: 14 Apr 2025

Review Date: No later than March 2028

1. Disciplinary – Responsibilities of the Committee

This policy sets out how Dronfield and District u3a (DDu3a) will approach problems related to a breach or suspected breach of the Member and Trustee Code of Conduct by a Member or Trustee. It 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 Member and Trustee Code of Conduct, or if a breach becomes apparent, the Secretary or Chair must be notified immediately. If both the Chair and Secretary are themselves considered to be in breach of the code, any other Trustee should be notified. The notification should be done initially by telephone (01246 900201), followed up by the submission of a formal complaint, using the u3a's Incident Reporting Form, which is available on the Members' Area of the u3a's website.

In carrying out this procedure, DDu3a will ensure the following:

- Every action will be documented
- Disciplinary matters (including the Appeals procedure) will be dealt with quickly and fairly
- DDu3a will strive to de-escalate any situation and to settle the issue without having to resort to formal disciplinary action
- DDu3a will seek additional support from Trust staff, the Regional Trustee or Trust volunteers as required.
- Confidentiality will be maintained at all times. For serious issues DDu3a will liaise with the Third Age Trust to seek advice 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 attempts to resolve matters informally have been unsuccessful and/or where a matter is accepted as serious and that the only relevant course of action is to follow the disciplinary procedure.

Either the Chair or Secretary of DDu3a's Executive Committee will be appointed as the Lead to coordinate and deal with breaches or suspected breaches of the Member and Trustee Code of Conduct. Where the Chair or Secretary is subject to a complaint, or when neither can be accepted as sufficiently impartial to be Lead, the Executive Committee will appoint either another Trustee or external person(s) to assume the responsibilities assigned to the Chair and Secretary in relation to the handling of the complaint.

2. Confidentiality

All procedures and documents relating to a disciplinary procedure must be kept confidential at all times. Information will only be shared with those who have a genuine need to receive it, including Trust staff and volunteers, as required. All situations should be dealt with discreetly and by showing respect for the parties and views involved.

3. Informal Procedure

It is important to try and resolve disputes amicably and informally as this is more likely to lead to a better relationship between the parties in the longer term. The Lead and an impartial Trustee or external person will use their 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 objective of the informal discussion is that all parties agree on their future conduct. The Lead will circulate a record of the agreement reached to the parties involved in the discussions. A copy will be uploaded to the relevant section of the u3a's Master Documents Drive on Google Workspace.

If it is not possible to obtain an agreement, the Lead will inform the Chair that the Formal Procedure must begin.

4. Formal Procedure

If the initial process is not effective in reaching a solution or if it is felt by the Lead that the alleged breach is serious enough to require formal disciplinary action, the Lead will inform the Chair and appoint two investigating Trustees (who are not involved or connected to any party in the alleged breach) to investigate it. The Lead will also appoint a sub-committee 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 Lead is first advised.

A letter will be sent to the Member/Trustee who is alleged to have breached the Member and Trustee 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 Member and Trustee 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 sub-committee 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 concerned advises that there are witnesses to the incident(s) who are willing to give representations, they will ask those witnesses to contact the sub-committee to give a statement relating to the specific incident(s) they witnessed. All statements must be a factual representation of what the witness says, not an interpretation or opinion of what is said.

5. The Hearing Committee

The Hearing Committee will be the members of the Committee appointed by the Lead. The initial Hearing Committee will examine the matter, considering any written statements, verbal statements and 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.

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 feel that the Member and Trustee 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 for significant breaches 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.

6. 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 Lead 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 Lead, 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 and/or the u3a.

7. 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 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, including asking the Trustee or Member to leave.

8. Decision

The decision should be communicated in writing to the Member or Trustee advising them if the breach of the Member and Trustee 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 Lead within 14 days from the date the decision is communicated.

9. Right of Appeal

The Trustee or Member who is alleged to have breached the Member and Trustee Code of Conduct must be informed of their Right of Appeal at the end of the initial hearing. Any appeal must be in writing and lodged within 7 days of the date of the appeal. The Trustee or Member must be advised of the opportunity to attend an Appeal Meeting for a right of reply and that they also have the 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 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 they 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. The Member or Trustee will then be given the opportunity to speak, their companion should be allowed to speak if they wish.

The Appeal Panel will review its decision, considering any mitigating circumstances, then make a final decision which must be communicated in writing within 7 days of the appeal meeting.

10. Final Decision

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

Related Documentation

- DDU3a Complaints
- DDU3a Incident Reporting Guidance
- DDU3a Member and Trustee Code of Conduct

Document History		
Date	Version Number	Summary of Changes
14 Apr 2025	1.0	New policy, based on TAT's model Disciplinary Policy.