



# Disciplinary Procedure

## Disciplinaries – responsibilities of the Committee

This procedure sets out how Stokesley & 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, Stokesley & District u3a will ensure the following:

- Every action will be documented.
- Disciplinary matters (including the appeals procedure) will be dealt with quickly and fairly.
- Stokesley & District u3a will strive to de-escalate any situation and to settle the issue without having to resort to formal disciplinary action.
- Stokesley & District u3a will seek additional support from Third Age Trust staff, the Regional Trustee and Trust volunteers, as required. All requests for support will go via the National Office.
- Confidentiality will be maintained at all times. For more serious or complex issues Stokesley & District u3a will liaise with the Third Age Trust to seek advice and guidance about procedural issues.
- Sharing of information with the Third Age Trust will not constitute a breach of confidentiality due to the affiliation with the Trust.
- Members, or Trustees, 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 Stokesley and District u3a committee to be so serious that the only relevant course of action is to follow the disciplinary procedure.

In this Procedure the following terms will have the following meanings:

“Chair”, “Vice Chair”, “Committee Member” – shall be the Chair, Vice Chair, or member of the Committee of Stokesley and District u3a.

“Member” or “Trustee” – shall be the member, or Trustee, of Stokesley and District u3a alleged to have broken the Code of Conduct.

### 1.1 Confidentiality

All procedures and documents relating to a disciplinary procedure/hearing 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 Third Age Trust staff and volunteers, as required. All



situations should be dealt with discreetly and by showing respect for the parties and views involved.

*Note: If the Chair is involved, or connected to any party, in the suspected breach of 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 members of the committee from a neighbouring u3a or seek advice or request attendance from Third Age Trust staff or Trustees. The process must be, and seen to be, independent.*

## 1.2 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 Member, or Trustee, 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 a Hearing sub-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 shall be kept by the Chair.

## 1.3 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 Committee Members (who are not involved or connected to any party in the alleged breach) to investigate it.

The Chair will also appoint a sub-committee of a minimum 2 or 3 Committee Members (where possible) to hear the alleged breach, the Hearing sub-committee

The Investigating Committee Members shall investigate the allegations made, with reference to the Code of Conduct. They will take statements from all involved, who are willing to be interviewed. Any witnesses identified will be approached to establish if they are willing to make a statement. If so, this statement will be noted. It is important that any records of statements made are a factual representation of what the person says, they must not be an interpretation or opinion of what is said. They shall report their findings to the person leading the Hearing sub-committee.

The result of these investigations must not be disclosed to any other Committee Members, at this stage, in order not to bias any future appeal.

The timetable for the date of the meeting to hear the alleged 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, or 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 alleged breach in writing.
- Advising them of the date of the Hearing sub-committee meeting.
- Advising that they can also attend the Hearing 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.

## 1.4 The Hearing Sub-Committee

The Hearing sub-committee will be the Committee Members appointed to the sub-committee by the Chair.

The Hearing sub-committee will examine the matter, considering any written statements submitted, verbal statements and any mitigating circumstances. From this the Hearing sub-committee will agree whether any breach of the Code of Conduct has taken place, and if so, what disciplinary action is required.

Other Committee Members 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.

If the Hearing sub-committee 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.

## 1.5 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. Details of the warning must be recorded, dated and kept on file.

### Level 3

A written warning, itemising the unacceptable behaviour, stating the improvement required with immediate effect and the consequences of continued non-compliance. Details of the warning must be recorded, dated and kept on file.



#### 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 Stokesley and District u3a or Committee, with immediate effect. Details of the warning must be recorded, dated and kept on file.

#### Level 5

The Member, or Trustee, is asked to leave either the Committee or Stokesley and District u3a. Details of the decision and action must be recorded, dated and kept on file.

### 1.6 Gross misconduct

If there is a case to answer, for most problems the process will start at Level 2. 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 Hearing sub-committee has the right to move immediately to Levels 4 or 5, including asking the Member or Trustee, to leave.

### 1.7 Decision

The decision of the Hearing sub-committee will be communicated to the Member or Trustee at the end of the hearing, by the person chairing the Hearing sub-committee.

If the alleged breach has not been upheld, the Member, or Trustee, will be so informed, and the process is at an end,

If the alleged breach has been upheld, the communication will include:

- The details of the breach
- Any action that will be taken, including the wording of any verbal, written, or final written, warning.
- That the decision will be confirmed to them in writing within 7 days, by the Chair.
- That they have the right to appeal
- The details of the appeal procedure;
- That the right of appeal can only relate to the original breach;
- That any request for an appeal must be lodged with the person leading the sub-committee, within 14 days from the date the written confirmation is sent.



## 1.8 Right of appeal

The appeal must be lodged, with the person leading the hearing sub-committee, within a 7 day period from the date of the request for an appeal and must take the form of written representation. The Member, or Trustee, may also request the opportunity to attend the appeal hearing for a right of reply. If the Member, or Trustee, chooses to attend the appeal hearing they must be advised of their right to attend with a companion, who can speak in a personal capacity, if they so wish.

The Chair will then convene a further sub-panel of Committee Members, who did not investigate, nor hear, the original disciplinary, procedure/hearing to hear the appeal – the appeal sub-panel.

The timetable for the date of the meeting to hear the alleged breach of code of conduct will be short, preferably within 14 days from the date that the appeal is lodged with the person chairing the Hearing sub-committee.

A letter will be sent to the Member, or Trustee, who lodged the appeal:

- Advising they are still subject to a formal disciplinary procedure.
- Advising them of what constituted the alleged breach of Code of Conduct.
- Advising them of the date of the appeal hearing.
- Confirming that they can attend the appeal panel meeting to state their response in addition to their written response.
- Confirming they may choose to bring a companion who can speak in a personal capacity, if they so wish

The appeal sub-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.

The person chairing the appeal sub-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 sub-panel will review its decision, considering any mitigating circumstances, and then make a final decision which must be communicated in writing, by the Chair, within 7 days of the appeal meeting.

Details of the decision and action must be recorded, dated and kept on file.

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



Version	Date Implemented	Revisions	Review Dates
1	11.01.2019		11.01.2021
2	26.07.2022	Updated in line with TAT sample document	26.07.2024
3	27/02/2024	Updated to clarify process steps	27/02/2026
4	13/03/2026	Updated to clarify process steps	13/03/2028