

GREAT GLEN OADBY & WIGSTON u3a

DEALING WITH COMPLAINTS AGAINST MEMBERS AND DISCIPLINARY MATTERS

This document sets out how Great Glen Oadby & Wigston u3a will address complaints against members and breaches or suspected breaches of the agreed Code of Conduct.

Policy

Complaints and disciplinary matters are to be dealt with in accordance with the following principles:

- Disciplinary matters will be dealt with promptly and fairly.
- Great Glen Oadby & Wigston u3a will, wherever appropriate, strive to de-escalate situations and to settle issues without recourse to formal disciplinary action.
- Every action will be documented.
- Great Glen Oadby & Wigston u3a will seek additional support from Third Age Trust staff, Regional Council and support team members, as required. Requests for such support will be routed via the National Office.
- Confidentiality will be maintained at all times. Sharing of information with the Third Age Trust will not constitute a breach of confidentiality owing to our affiliation with the Trust. Members involved in the disciplinary procedure will be informed of the Trust's involvement. Information may also be shared with insurers if they require it.
- Decisions will be based on facts and evidence.

All parties are encouraged to take a problem-solving approach to achieve resolution. The formal disciplinary procedure will be instigated once all steps taken to resolve matters informally have proved unsuccessful and/or where a matter is deemed by Great Glen Oadby & Wigston u3a to be so serious that the only relevant course of action is to invoke the formal procedure.

Procedure

Initial Action

In the event of a complaint or an allegation of a breach by any member or Trustee of the Code of Conduct or if a breach becomes apparent, the matter should be drawn immediately to the attention of the Chair (*) and the matter should be reported to the next committee meeting. The Chair should advise the insurers via u3a National Office, if appropriate.

(*) If the Chair is unavailable, read 'the Vice-Chair', and if the Vice-Chair is also unavailable, 'an Officer of Great Glen Oadby & Wigston u3a', or failing this 'any member of the Committee' in place of all references to the Chair in this document. In the event that the matter relates to all the Trustees, the matter will be referred to u3a National Office for guidance.

The Chair will obtain readily available background. If the matter is considered straightforward, it will often best be to try to resolve the matter informally. If informal resolution is impracticable, or the complaint relates to a repeated problem or to a serious offence, such as:

- sexual / racial abuse, discrimination, harassment or bullying
- dangerous or violent behaviour
- fraud
- theft
- malicious damage
- conduct that brings the u3a into disrepute or is prejudicial to the u3a or the running of the u3a

the Chair will put into effect the formal procedure set out below.

Informal procedure

The Chair will use his/her best endeavours to resolve the problem amicably and quickly, through informal discussion with the person(s) raising the allegation and the member or Trustee. All informal discussions will be clear and such that all parties understand their obligations at the end of the meeting.

Resolution by informal means might, for example, involve asking a Group Leader to speak to the member. A Group Leader might, if appropriate, with a member of the Committee present issue an oral warning about future conduct, to be confirmed in writing by the Committee.

Formal procedure

If the initial process does not achieve a solution or if it is felt that the alleged breach is serious enough to require formal action, the Chair will notify the Trustee or member concerned, normally at a face-to-face meeting, that an investigation is to be undertaken, and he or she will be asked to attend a formal Hearing. The Chair may decide and notify the member of immediate action (such as suspension from group activity) pending the outcome of the investigation. The Chair will confirm the key points in writing to the member after the meeting. The Chair will assure the member that, insofar as is practicable, the matter will be handled in confidence. The Business Secretary will normally undertake the administration of the formal procedure.

The Chair will appoint an investigating officer (usually a Trustee of Great Glen Oadby & Wigston u3a, who should not be closely involved or connected to any party in the complaint or alleged breach) to investigate the matter. The Chair will appoint a Panel of two or three members to conduct a Hearing, drawn from the Trustee Committee, the Third Age Trust or the Trustee Committees of neighbouring u3as. The result of the investigations will not be disclosed to any other Trustees at this stage, in order to avoid bias in respect of any appeal. The date of the Hearing will, wherever feasible, be within 21 days from the date that the Chair is first advised.

A letter will be sent to the member/Trustee against whom a complaint has been made or who is alleged to have breached the Code of Conduct to advise this person:

- that the formal complaints and disciplinary procedure has been invoked.
- of the nature of the complaint or alleged breach of Code of Conduct.
- that a written response is requested.
- of the date and place of the Hearing.
- of any immediate restrictions already placed upon the member
- that (s)he may attend the Hearing to present the response in person, and may be accompanied by a supporter (a friend or relative, but not a legal representative), if desired.

If the member/Trustee wishes to call witnesses to the incident(s) who are willing to give representations pertaining to the facts, such witnesses may be invited by the Panel to provide in advance of the Hearing a written statement of their evidence, and to attend the Hearing to present and be questioned about their statement.

The Hearing

One member of the Panel will be elected as Chair. The Business Secretary or another member of the Panel will be the designated note-taker. The Panel will examine the matter: considering any written statements submitted, oral statements and any mitigating circumstances, and questioning those in attendance. Drawing upon its evaluation of the evidence presented the Panel will determine, on the basis of probability, whether and how far the complaint has been upheld or the Code of Conduct has been breached and will recommend appropriate action. The Panel may consider any of the following possible forms of disciplinary action. Levels 4, 5 and 6 will be invoked in the event of significant

breaches of the Code only or of persistent repetition of behaviour about which the member or Trustee has previously been warned, such as not complying with the terms of the constitution.

Levels of Action

Level 1

No case to answer. No further action necessary.

Level 2

An oral warning which makes clear the nature of the unacceptable behaviour and includes a warning about future conduct and the consequences of non-compliance.

Level 3

A written warning itemising the unacceptable behaviour, and 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 membership will be curtailed or terminated, with immediate effect.

Level 5

Membership of one or more interest groups or the Committee is terminated.

Level 6

Membership of the u3a is terminated.

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, as identified at the start of this procedure, the Panel has the right to move immediately to Levels 4, 5 or 6.

Decision

The Panel will report its conclusions and decisions to the Chair. The Trustee Committee may be told that a disciplinary procedure has been initiated and of its outcome, but will not be informed of the detail. (This is necessary in order not to bias any appeal that other Trustees may be required to hear at a later date.)

The decision will be communicated in writing by the Chair, in terms discussed and agreed with the Panel, to the member or Trustee advising him/her whether the complaint or allegation of the breach of the code of conduct has been upheld. If the allegation has been upheld, the member or Trustee will be informed of the resultant action and of the right of appeal, as described below.

Appeals

Appeals must be lodged with the Chair in writing (other than in exceptional circumstances, such as major illness or accident) within 14 days of the notification of the result of the Hearing. The only admissible grounds for appeal are as follows:

- Relevant evidence or submissions were not considered by the Panel
- Fresh evidence has come to light since the Hearing that might change the decision of the Panel
- The matter was not handled in accordance with procedure.

The Trustee or member will be advised of his/her right to attend the Appeal Hearing, with a supporter (as per the Hearing) if wished. If the Trustee or member lodges a timely appeal that complies with any of the grounds listed above, the Chair will arrange for any further investigation required and will convene an Appeal Panel of Trustees who have not been involved in previous stages of the matter to hear the appeal, as soon as is reasonably possible. (If appropriate, recourse may again be made to the Trustees of neighbouring u3as or to the Third Age Trust.)

The Appeal Panel will then hold an Appeal Hearing to consider the grounds of appeal and any supporting representations / evidence. Similar arrangements will apply as for original hearings. The Chair of the Appeal Panel will summarise the issues involved in the original Hearing and the information provided. The member or Trustee will be given the opportunity to speak, along with the supporter if the supporter wishes to speak about the facts of the matter.

The Appeal Panel will review the decision, considering any mitigating circumstances, and decide to what extent, if at all, the appeal is to be upheld. The Chair of Trustees will be informed of the Appeal Panel's decision. The Chair will then communicate the decision, which is final, in writing to the member or Trustee with seven days. Strict confidentiality is maintained throughout.

Other Action after the Hearing

The Committee, and any others who need to know (such as Group Leaders or members of the public who raised complaints), will be notified of the results of Hearings and Appeals but not the details of the proceedings. If illegality is involved then the relevant authorities should be informed. If relevant, the insurers should be advised via u3a National Office.

Confidential written records of formal and informal disciplinary proceedings will, other than for very minor matters, be made and will be retained in a confidential file in Dropbox for two years.

Peter Williams
Chair GGOW u3a



Procedure Reviewed: December 2021, February 2023, December 2024, September 2026

Name Change: April 2024, September 2026

Next Review: September 2028