

BRISTOL u3a DISCIPLINARY PROCEDURE

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1. Introduction

1.1 This Disciplinary Procedure sets out how Bristol u3a will approach issues related to a breach or suspected breach of the Member or Trustee Codes of Conduct (hereinafter referred to as ‘the Code of Conduct’).

1.2 This Procedure is intended to ensure that any issues are dealt with promptly, fairly and consistently. All parties are encouraged to take a problem-solving approach to achieve a resolution.

1.3 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.

1.4 In carrying out this procedure, Bristol u3a will ensure the following:

- Every action is documented.
- Disciplinary matters (including the Appeals Procedure) will be dealt with quickly and fairly.
- Bristol u3a will strive to de-escalate any situation and to settle the issue without having to resort to formal disciplinary action.
- Bristol u3a will seek additional support from the Third Age Trust, as required.
- Confidentiality will be maintained at all times. For more serious issues, Bristol 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.

1.5 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 Bristol u3a Executive Committee to be so serious that the only relevant course of action is to follow this Procedure.

2. Confidentiality

2.1 All procedures and documents must be kept confidential at all times and only be shared with those who have a genuine need to receive it. This will include the Third Age Trust staff and volunteers, as required.

2.2 All situations should be dealt with discreetly and by showing respect for the parties involved, in accordance with the Code of Conduct.

3. Informal Process

3.1. 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 their best endeavours to resolve the problem constructively and quickly, through an informal discussion with the Member or Trustee in question.

3.2 Every effort will therefore be made initially to find a mutually acceptable solution that results in a satisfactory outcome for all.

3.3 The Member or Trustee will nevertheless be informed at this stage that if any areas of activity or behaviour are found which could potentially be of a disciplinary nature, that they may be requested to attend a meeting of a Hearing Sub-Committee if it cannot be resolved informally (see below).

3.4 The informal discussions will be clear and all parties should understand their obligations and actions required at the end of the process.

3.5 A confidential written record of the outcome of the informal discussions should be kept by the Chair or the person leading this informal process.

4. Formal Process

4.1 However, if the initial informal process does not prove 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 Officers**. These will normally be Trustees or senior members of Bristol u3a, who are not closely involved or connected to any party in the alleged breach, and they will gather together all the available evidence.

4.2 The evidence will primarily be all the documentation and records, including emails and submissions, from the informal process that has previously been followed. The Investigating Officers will organise all the evidence so it is in chronological order and is straightforward for all parties to follow. This will be passed on to the Hearing Sub-Committee (see below).

4.3 The Chair will also appoint a **Hearing Sub-Committee** to hear the alleged breach of the Code of Conduct, comprising three members, again normally Trustees or senior members of Bristol u3a. However, it may be decided on the advice of the Third Age Trust, that the members of the Sub-Committee will be external, such as members of the u3a SW Region. If the Sub-Committee comprises external u3a representatives, it will be necessary for Bristol u3a Executive Committee formally to delegate its powers to the Sub-Committee.

4.4 The details of the investigations and proceedings will not be disclosed to any other Trustees, at this stage, in order not to bias any appeal.

4.5 The timetable for the date of the Sub-Committee meeting to hear the alleged breach of the Code of Conduct will be short, preferably within 14 days from the date it is set up. 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 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.

4.6 If the Member/Trustee advises that there are witnesses to the incident(s) who are willing to give evidence, they will ask those witnesses to contact the Sub-Committee about giving 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 they say.

4.7 The role of the Hearing Sub-Committee will be to consider carefully and objectively all the evidence, invite relevant parties to attend the hearing and/or submit further written representations, and consider whether or not there are any mitigating circumstances. If any previous disciplinary action has been taken involving the person concerned, the Sub-Committee can be told, but not provided with any details.

Note: If the Chair is the person alleged to have breached the Code of Conduct, then the Vice-Chair will replace the Chair in this Procedure, and may wish to seek advice from the Third Age Trust.

4.8 The Hearing Sub-Committee may decide there is no breach of conduct, in which case they will advise the Member/Trustee of this outcome. On the other hand, if they do consider that the Code of Conduct has been breached, they can take 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/Trustee has previously been warned.

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 Hearing Sub-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/Trustee will be asked to leave Bristol u3a or the Executive Committee, with immediate effect.

Level 5

The Member/Trustee is asked to leave either the Executive Committee and/or Bristol u3a. In these circumstances, the Member or Trustee would only be readmitted to Bristol u3a and/or the Executive Committee on a date at least 12 months later, if the Executive Committee were in full agreement that it was in the interests of Bristol u3a to do so.

Gross Misconduct

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 Bristol u3a into disrepute or is prejudicial to the u3a or the running of the u3a.

the Executive Committee or Hearing Sub-Committee has the right to move immediately to Levels 4 or 5, including asking the Member/Trustee to leave Bristol u3a. *Please also refer to the Bristol u3a Safeguarding Policy.*

4.9 The decision should be communicated in writing to the Member/Trustee advising them 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 7 days from the date the decision is communicated.

5. [Right of Appeal](#)

5.1 The Member/Trustee who is alleged to have breached the Code of Conduct must be informed of their right of Appeal at the end of the Sub-Committee hearing. The Appeal must be lodged within a 7 day period, from the date of the Hearing Sub-Committee decision.

5.2 The three members of the **Appeal Panel**, again normally Trustees or senior Bristol u3a members who have not previously been involved in the case, will be appointed by the Chair. However, it may be decided on the advice of the Third Age Trust that the members of the Panel will be external such as representatives of the u3a SW Region. Again, if it is being heard externally, Bristol u3a Executive Committee will need to formally delegate its powers to the Panel. The Appeal Panel will be independent of the initial hearing and its members should treat all the proceedings and evidence as confidential.

5.3 The grounds for the Appeal need to be put in writing by the Member/Trustee for the Appeal Panel to consider. The Member/Trustee have the right to attend the Appeal hearing in person and to bring a companion, if they wish. Again, the proceedings and documentation of the hearing will be treated as confidential by all the parties involved.

5.4 All of the Principles referred to in the Disciplinary Procedure under paragraph 1.4 above will again apply in relation to the Right of Appeal, including confidentiality, the parties being kept fully informed throughout, and all of the proceedings being fully documented.

5.5 The chair of the Appeal Panel will summarise the issues involved in the original hearing and the information provided, and then the Member/Trustee will be given the opportunity to speak, as will their companion, if they are accompanied.

5.6 The Panel will review the decision of the Hearing Sub-Committee based only on the facts included in the original hearing. The decision of the Appeal Panel is **final**, and will be conveyed to all the parties involved as soon as possible.

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