Malmesbury and District u3a

Disputes and Complaints Policy

The u3a is a welcoming and non-judgmental organisation. All members are expected to adhere to our Code of Conduct, so it will be rare for groups to experience problems or disputes. If these should occur, the national Third Age Trust, TAT, expects processes that ensure local complaints and disputes are resolved informally and at the local level.

TAT effectively franchise us, offering advice, insurance and other administrative services. However, they will not arbitrate in a local dispute, but expect their procedural advice to be followed assiduously. These Disciplinary Procedures are based upon the TAT policy to be found here.

The Difference Between Complaints And Disciplinary Procedures

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 the u3a will approach problems related to a breach or suspected breach of the agreed code of conduct by a member.

Initial Steps

The Group Leader (or other Officer to whom the initial complaint has been made) must first discuss the area(s) of concern with the individual complainant. This is to ensure that the Officer is fully aware of the difficulty, and its seriousness. S/he must then decide whether the complaint amounts to a suspected breach of the Code of Conduct, and if so report the complaint to the Chair.

If the Group Leader/Officer believes the complaint is not a breach of the Code of Conduct, s/he should tactfully indicate the behaviour that has triggered the complaint to the person(s) complained about, whilst still listening closely and taking account of their point of view. This is important, as they must be given the opportunity to respond.

It is more than possible for someone to cause offence without realising it. Once the other party has understood the situation, it may be possible for the disputants to resolve the issue between themselves, quickly and amicably. If this does not happen, or appears unlikely, the complaint must be reported to the Chair.

Disciplinary Procedure – Responsibilities Of The Committee

This procedure sets out how Malmesbury and District u3a will approach problems related to a breach or suspected breach of the agreed Code of Conduct by a member. 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 allegedly breaching the Code of Conduct or if a breach becomes apparent, the Chair will be notified immediately.

In carrying out this procedure, Malmesbury and Districtu3a will ensure the following:

- Every action will be documented.
- Disciplinary matters (including the appeals procedure) will be dealt with quickly and fairly.
- Malmesbury and District u3a will strive to de-escalate any situation and to settle the issue without having to resort to formal disciplinary action.

- Malmesbury and District u3a will seek additional support from Trust staff, the Regional Trustee and Trust volunteers, as required. All requests for support will go via the u3a Office.
- Confidentiality will be maintained at all times. For more serious issues Malmesbury and District 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.

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 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.

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 in question. The 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.

Formal Procedure

If the initial procedure 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 to investigate it. The Chair will also appoint a subcommittee of a minimum 3 committee members (where possible) to hear the alleged breach. Members of this subcommittee must not conduct their own investigations, their function is to hear evidence from the investigating trustees and the subject(s) of the procedure. All those appointed by the Chair must not be involved or connected to any party in the alleged breach.

The result of these investigations must not be disclosed to any other trustees, at this stage. 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 to maintain the impartiality of trustees that may be required to hear an appeal at a later date.

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 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 breach hearing to state their response in addition to their written response.
- Advising them they may choose to bring a companion, who will also be bound by confidentiality.

If the member 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 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 s/he says.

Note: If the Chair of the u3a 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 Breach Hearing

In the initial Breach Hearing, the subcommittee will examine the matter, considering any written statements submitted, verbal statements and any mitigating circumstances. From this the subcommittee will agree whether any breach of the Code of Conduct has taken place.

The subcommittee may decide there is no breach of conduct in which case they will advise the member 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 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

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 will be asked to leave the group, u3a or committee, with immediate effect.

Level 5

The member is asked to leave either the group, the u3a or committee.

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

Decision

The decision should be communicated in writing to the member 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 of the Breach Hearing within 14 days from the date the decision is communicated.

Right of Appeal

If a member who has been found to have breached the Code of Conduct decides to appeal, a 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 panel of trustees who did not hear the original disciplinary procedure, to hear the appeal.

The appeal must take the form of written representation, which must be lodged within a 7 day period from the date of the appeal request. The member must be advised of their right to attend the appeal hearing for a right of reply, with a companion if they wish. The companion may also speak in a personal capacity.

The appeal panel will hold an appeal hearing to consider the findings of the Breach Hearing, the written response, and any oral representations in order to make their decision on whether to uphold the appeal or not. This must be independent of the initial hearing.

The Chair of the appeal panel will summarise the issues involved and the information provided and then the member will be given the opportunity to speak, along with their companion if they wish to speak.

The appeal panel will review the evidence, considering any mitigating circumstances, and then make a final decision which must be communicated in writing within 7 days of the appeal hearing.

The committee's decision following any appeal is final. Absolute confidentiality must be maintained.