



To provide a disciplinary procedure for Islington u3a.

In this document —

Chair means the Chair of Islington u3a or another person acting in their place pursuant to clause [4.1(c)]

Committee means the Executive Committee of Islington u3a

Code means the Islington u3a Member Code of Conduct

Member means a member of Islington u3a

Trust means the Third Age Trust (national u3a)

Trustee means a trustee of Islington u3a

2. Scope

Relevant to all Islington u3a members

3. The difference between a complaint and disciplinary procedure

Complaints procedure: this may include complaints from members or complaints from an external organisation or individual.

Disciplinary procedure: this sets out how the Islington u3a will approach problems related to a breach or suspected breach of the Code by a member or trustee.

4. Discipline procedure

4.1. General

- a. The Committee will use its best endeavours to ensure the following, (but all parties relying on this procedure acknowledge that all Trustees and members of Islington u3a are volunteers acting in their spare time. Islington u3a has no paid staff):
- Every action will be documented.
 - Disciplinary matters (including the appeals procedure) will be dealt with quickly and fairly.
 - Islington u3a will strive to de-escalate any situation and to settle the issue without having to resort to formal disciplinary action.

- Islington u3a will seek additional support from the Trust staff, the Regional Trustee and Trust volunteers, as required. All requests for support will go via the national u3a Office.
 - For more serious issues Islington u3a will liaise with the 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.
- b. Any alleged or apparent breach the Code must be notified to the Chair immediately.
- c. If the Chair is alleged or suspected to have breached the Code, then the Vice Chair or another trustee appointed by the Secretary will replace the Chair in the procedure. In this case, and in the event of an appeal, the Vice Chair or Secretary may choose to ask committee members from a neighbouring u3a to act, or seek advice or request attendance from representatives of the Trust.
- d. All matters relating to the disciplinary procedure must be kept confidential. Information will only be shared with those who have a genuine need to receive it. This will include /trust staff and volunteers as required. All situations should be dealt with discretely, showing respect for the parties and views involved.

4.2. Informal procedure

- a. It is 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 amicably and quickly, through an informal discussion with the parties.
- b. The Chair may delegate this informal discussion to another trustee.
- c. The Trustee identified to lead on the informal stage will hold an informal discussion with all relevant parties. The purpose of this is to understand the problem and hear each party's views. The parties may put their concerns or complaints in writing but are not obliged to at this stage.
- d. The Trustee will summarise the situation to both parties, attempt to reach a mutually satisfactory outcome, agree any changes required to ensure that the situation does not happen again, and clear the air.
- e. If all parties are willing to accept the agreed outcome, it must be made clear that there should be no repeat of the actions/behaviour and that no further action is necessary.

- e. The informal discussion will be clear and all parties should understand their obligations at the end of the process. A confidential written record of the outcome of the informal discussion should be made by the investigator and kept by the Chair.

4.3. Formal procedure

- a. 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 trustees (who are not involved or connected to any party in the alleged breach, and were not involved in the Informal procedure) to be the Hearing Committee.
- b. A formal request must be made in writing to the Chair requesting a formal Disciplinary Hearing. This request may be made by the complainant or by the Investigating trustees.
- c. The complainant must provide as much information as is relevant and give specific dates and times where possible. The complainant can be asked as to what outcome they are hoping to achieve by making the complaint, for example, whether they would be prepared to accept an apology.
- d. The Trustee who led the Informal stage will provide a summary of the complaint, any steps already taken to deal with the issue and any action that the parties involved consider necessary to resolve it.
- e. The timetable for the date of the meeting to hear the breach of Code will be short, preferably within 14 days from the date that the Chair is first advised.
- f. A letter will be sent to the member/trustee who is alleged to have breached the Code for the purpose of:
 - Advising they are subject to a formal disciplinary procedure
 - Advising them of what constitutes the alleged breach of the Code
 - Asking for their response to the breach in writing
 - Advising them of the date of the breach hearing
 - Advising that they can attend the subcommittee 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.
- g. If any of the parties advise that there are witnesses to the incident(s) who are willing to give representations, they should name those witnesses. The Hearing Committee will invite the witness(es) to either attend the hearing or to provide a written statement in advance of the hearing, describing the incident(s) that they have witnessed. Any statements taken must be a factual representation of what the witness saw or heard. The statement should not be an interpretation or opinion.

4.4. The Hearing Committee

- a. The Hearing Committee will hold a hearing to examine the evidence, consider any written statements submitted, hear verbal statements and consider any mitigating circumstances. From this the Hearing Committee will agree whether any breach of the Code has taken place.
- b. The Hearing Committee will then adjourn to make their decision in private.

4.5. Decision

- a. The Hearing Committee may decide there is no breach of the Code, in which case they will advise the parties of this outcome.
- b. If they agree that the Code 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.

4.5.1 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 verbal warning on behalf of the Hearing Committee. Details of the verbal warning should be recorded, dated and kept on file.

Level 3

A **written** warning from the Chair, on behalf of and agreed by the Hearing 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 set out in Level 3, which also states that if the behaviour is repeated the member or trustee will be asked to leave the Islington u3a or committee, or both, with immediate effect.

Level 5

The trustee or member is asked to leave either the committee or the Islington u3a, or both.

4.5.2 Gross misconduct

For most breaches the disciplinary action will start at Level 1. However, in the case of an extremely serious proven breach, for example:

- Sexual/racial abuse, discrimination, harassment, bullying
- Dangerous or violent behaviour
- Falsification of expense claims
- Theft
- Malicious damage
- Conduct which brings Islington u3a into disrepute or is prejudicial to Islington u3a or the running of Islington u3a,

the Hearing Committee has the right to move immediately to Levels 4 or 5, including asking the trustee or member to leave Islington u3a.

4.5.3 Notification of decision

- a. The decision should be communicated in writing to complainant and the person complained of, advising them if the breach of the Code has been upheld or not within seven days of the hearing.
- b. If the breach has been upheld, the parties will be informed:
 - Of the action proposed to 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 person who chaired the Hearing within 14 days from the date the decision is communicated.
- c. If no appeal is made as set out below, the decision will be put into effect. Confidentiality must be maintained, but the Chair and trustees must be informed of the decision to the extent that they need to take any necessary action to put the decision into effect.

4.6. Right of appeal

- a. The written appeal request must be sent to the person who chaired the Hearing within 14 days from the date the decision is communicated. An appeal must take the form of written representation, with the opportunity to attend an appeal meeting. An appeal can be lodged either by the person who made the complaint or by the person against whom the complaint has been made.
- b. The parties must be advised of their right to attend with a companion, and that the companion may speak to the evidence if they wish.

The Chair must be informed of the intention to appeal by the person who chaired the Hearing. The Chair will then convene an Appeal Panel made up of trustees who were not Investigating trustees or on the Hearing Committee.

- c. The Appeal Panel will hold an appeal hearing to consider all previous material and any further written and verbal representations in order to make their decision on whether to uphold the appeal or not.

- d. The Chair of the Appeal Panel will summarise the issues involved in the disciplinary hearing and the information provided and then the relevant parties will be given the opportunity to speak.
- e. The Appeal Panel will review all the evidence, consider any mitigating circumstances, and then make a final decision, which must be communicated in writing to the parties within seven days of the Appeal Hearing.
- f. The Appeal Panel's decision is final. Confidentiality must be maintained, but the Chair and trustees must be informed of the decision to the extent that they need to take any necessary action to put the decision into effect.

5. Related documentation

- Islington u3a Code of Conduct
- Islington u3a Complaints Procedure

Islington u3a, July 2023