

Tetbury & District u3a

1. Disciplinary Procedure

- 1.1 This procedure sets out how Tetbury & District u3a will approach a breach or suspected breach of the Tetbury u3a Member Code of Conduct by a member or Trustee. 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 resolution.

2. Responsibilities of the committee

- 2.1 Any allegation or discovery that a member or Trustee may have breached the Code of Conduct must be reported immediately to the Chair of the Tetbury & District u3a committee of Trustees. (Email chair@tetburyu3a.org or use the contact form on our website). In the event that it is the Chair's behaviour which is being reported, then it can be reported to any other Committee member.
- 2.2 In considering reports of this kind, the committee will ensure the following:
- Every action will be documented.
 - All disciplinary matters (including the appeals procedure) will be dealt with as quickly and fairly as practicable.
 - Where possible, the committee will strive to de-escalate any situation and to settle the issue without having to resort to formal disciplinary action.
 - Decisions will be based on facts and evidence.
 - The committee may seek additional support from The Third Age 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 the committee 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.

3. Confidentiality

- 3.1 All procedures and documents relating to a disciplinary matter 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 will be dealt with discreetly and by showing respect for the parties and views involved.

4 Informal discussion

- 4.1 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.
- 4.2 The Chair will therefore first use their best endeavours to resolve the problem amicably and quickly, through an informal discussion with the member or Trustee in question. The Chair will however also inform the Trustee or member at the outset of the discussion that, if the Chair becomes aware during the discussion that there has been conduct that may be serious enough to require formal disciplinary action, the formal disciplinary procedure will immediately apply.
- 4.3 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 will be made and kept by the Chair.

5. Formal procedure

- 5.1 If it becomes clear that the informal discussion will not bring about a solution or the Chair considers that the alleged conduct is serious enough to require formal disciplinary action, the Chair will immediately:
 - 1. appoint one or two investigating Trustees (who are not involved or connected to any party involved in the alleged conduct) to investigate the conduct and collect relevant evidence; and
 - 2. appoint a subcommittee of at least 2 Trustees who have not been involved in the investigation, who will hear the evidence concerning the alleged conduct, and make a decision;
 - 3. send a letter to the member/Trustee who is alleged to have breached the Code of Conduct for the purpose of:
 - a. Advising that they are subject to a formal disciplinary procedure.
 - b. Providing details of the alleged conduct and the respects in which it is alleged the conduct breaches the Code of Conduct.
 - c. Asking for their response to the allegations in writing within 7 days of receipt of the letter.
 - d. Advising them of the date of the hearing by the sub-committee, which should ideally be within 14 days of the date of the letter.

- e. Informing them that the investigating Trustee(s) may produce further evidence which they will endeavour to provide to the member/Trustee who is the subject of the allegations at least 2 days before the hearing;
 - f. Advising that they can attend the subcommittee meeting to state their response to the allegations and any further evidence produced by the investigating Trustee(s) in addition to their written response and that they may choose to bring a companion, if they wish, who will also be bound by confidentiality.
 - g. Informing the member/Trustee that if they are aware of witnesses to the conduct who can give relevant evidence, they must either provide the investigating Trustee(s) and the subcommittee with signed written statements from those witnesses or ask those witnesses to contact the investigating Trustee(s) and the subcommittee to notify them that they will giving oral evidence at the hearing relating to the specific incident(s) that they have witnessed. It is important that any statements produced are a factual representation of what the witness says. The statement should not be an interpretation or opinion of what they say.
- 5.2 None of the written or oral submissions or evidence considered by the subcommittee will be disclosed to any other Trustees prior to any appeal in order to not prejudice an appeal.
- 5.3 If for any reason it is inappropriate for the Chair to exercise their functions in relation to any disciplinary matter, the committee of Trustees will appoint another Trustee to exercise those functions. 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.

6. The Hearing

- 6.1 The subcommittee will appoint a Chair from their number and examine the matter, considering any written or oral evidence and submissions submitted by the investigating Trustee(s) and the subject of the allegations, and any mitigating circumstances, and will decide whether any breach of the Code of Conduct has taken place.
- 6.2 The full committee may be told that a disciplinary procedure has been initiated and is being dealt with, but must not given any of the detail. This is necessary in order not to prejudice any appeal that any of its members may be required to hear at a later date.
- 6.3 The subcommittee may decide that there has been no breach of conduct, in which case the Subcommittee Chair will advise the member or Trustee of this outcome.
- 6.4 If the subcommittee considers that the Code of Conduct has been breached, it can consider any of the following possible forms of disciplinary action.

7. Levels of action

Level 1 - No case to answer. No further action necessary.

Level 2 - A verbal warning from the Chair 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 should be recorded, dated and kept on file.

Level 3 - A written warning from the Chair, itemising the unacceptable behaviour, stating the improvement required with immediate effect and the consequences of continued non-compliance.

Level 4 - A final written warning from the Chair, itemising the unacceptable behaviour, which states that if the behaviour is repeated the member or Trustee will be asked to leave the u3a or committee, with immediate effect.

Level 5 - The Trustee or member is asked to leave the committee and/or the u3a.

7.1 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.

7.2 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, 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 Trustee or member to leave.

8. Decision

8.1 The decision of the subcommittee will be communicated in writing by the Subcommittee Chair to the member or 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 14 days from the date the decision is communicated.

9. Right of appeal

- 9.1 The Trustee or member who is alleged to have breached the Code of Conduct must be informed of their right of appeal at the end of the hearing by the Sub Committee Chair.
- 9.2 The appeal must be lodged within a 7 day period, from the date of the sub committee's decision and must take the form of a written submission, although the appellant will also have the right to attend the appeal meeting in order to reply to any points made by the panel, or the investigating Trustee(s), who will be entitled to make submissions in response to the appeal. The Trustee or member must be advised of their right to attend with a companion.
- 9.3 The written appeal request must be sent to the Subcommittee Chair, who will inform the Chair of the intention to appeal. The Chair will then appoint a further sub-panel of Trustees (or if there are insufficient independent Trustees, other suitably qualified and independent people) who were neither investigating Trustee(s) nor members of the subcommittee, to hear the appeal.
- 9.4 The appeal panel will then hold a confidential appeal hearing to consider any written response and representations made by the investigating trustee(s) or member/Trustee in order to make their decision on whether to uphold the appeal or not..
- 9.5 If the member or Trustee concerned requests a right to make submissions at the hearing to the appeal panel, the member or Trustee can be accompanied by a companion who may also speak in a personal capacity, if they wish.
- 9.6 The Chair of the appeal 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 investigating Trustee(s) will be entitled to make submissions in response.
- 9.7 The appeal panel will consider the submissions made to it, taking into account any mitigating circumstances, and then make a final decision which must be communicated to the appellant in writing within 7 days of the appeal meeting.
- 9.8 The committee's decision following any appeal is final and absolute confidentiality must be maintained.

Approved by Trustees: 15 April 2026

Amendment history

April 2026 – new document.