

# Cardiff U3A

## Disciplinary Procedure

### Introduction

- In the event of any Member allegedly breaching the Code of Conduct or if a breach becomes apparent, the Chair will be notified immediately.
- The Chair will appoint a Trustee who will act as the Investigating Officer and, as a first step, provide an initial written report based on the facts and evidence available at that stage.
- The Chair will write to the Member within 7 days of receipt of that report, advising that an allegation of a breach of the Code of Conduct has been made. The Member will also be advised of the name and contact details of the Investigating Officer. The Member will be sent the two-part Policy which gives the Member Code of Conduct and the Policy relating to Complaints and Disciplinary Matters plus this Procedure.
- The Member will be informed that if any areas of activity that could potentially be of a disciplinary nature are found, s/he will be requested to attend a meeting with an initial Hearing Committee.

### Informal Procedure

1. The Investigating Officer will gather information relating to the disciplinary matter. This will include the initial report and any supporting documentation or other member statements. The details of the investigation must not be disclosed to any other Trustees at this stage, in order not to bias any Appeal.
2. The Investigating Officer will meet with the Member to explain the full nature of the matter which is considered potentially to break the Member Code of Conduct.
3. If the Investigating Officer feels it is possible to resolve the matter at this meeting, the Investigating Officer will outline a course of action and obtain the agreement of the Member.
4. The agreed course of action will be put in writing to the Member.
5. The Investigating Officer will advise the Chair if the matter has been agreed and is closed.
6. If there is no agreement, the Investigating Officer will advise the Chair, who will make arrangements for the Formal Procedure to be undertaken.

### Formal Procedure

This Procedure will be instituted if a) the Informal Procedure is not effective in reaching a solution, or b) if, at the outset, there is evidence that suggests that the alleged breach is potentially serious enough to require formal disciplinary action.

1. The Investigating Officer will gather all the information relating to the disciplinary matter. This will include the initial report and any supporting documentation or other member statements. The details of the investigation must not be disclosed to any other Trustees at this stage, in order not to bias any Appeal.

2. The Investigating Officer may also contact the Third Age Trust and request support from the Regional Trustee, a Trust volunteer and/or National Office staff. The Investigating Officer will inform the Member that additional support has been requested and the reasons.
3. *If the Chair of the Cardiff U3A Committee 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 co-opt Trustees from a neighbouring U3A or seek advice or request attendance from Third Age Trust staff or Trustees.*
4. The Investigating Officer will advise the Chair when the investigations are complete.
5. The Chair will appoint a Sub-committee of 3 Trustees to hear the alleged breach.
6. If there are insufficient Trustees to provide a Sub-Committee, or certain Trustees feel that they cannot be objective, then the Chair may co-opt Trustees from a neighbouring U3A, or seek advice or request attendance from Third Age Trust staff or Trustees.
7. If the alleged breach involves a Trustee, the Chair may appoint a Regional Trustee.
8. This Sub-committee will be termed the Hearing Committee. The Hearing Committee will appoint a Chair from amongst its members.
9. The Chair of the Hearing Committee will send a letter to the Member who is alleged to have breached the Code of Conduct, for the purpose of:
  - A. Advising that s/he are subject to a formal disciplinary procedure.
  - B. Advising him/her of what constitutes the alleged breach of Code of Conduct.
  - C. Asking for his/her response to the allegation(s) in writing.
13. The Chair of the Hearing Committee will then fix a date for the Hearing.
14. The Chair of the Hearing Committee will write to the Member
  - A. Advising him/her of the date of the Hearing Sub-committee.
  - B. Advising that s/he should attend the Hearing Sub-committee to state his/her response, in addition to his/her written response.
  - C. Advising that s/he may choose to bring a companion, who will also be bound by confidentiality.
  - D. Advising that s/he may also call witnesses to the incident who are willing to give representations.
15. The Hearing Sub-committee will retire to examine the matter, consider any written statements, oral statements and any mitigating circumstances. The Hearing Sub-committee will agree whether any activity in breach of the Code of Conduct has taken place.
16. The Hearing Sub-committee may decide that no breach of the Code has taken place, in which case the Chair of the Hearing Sub-committee will advise the Member, preferably at the hearing, and confirm in writing within 7 days of the hearing.

17.If it is determined that there has been a breach of the Code of Conduct, the Hearing Sub-committee will agree on one of the 4 possible forms of disciplinary action listed below. Levels 3 and 4 will only be invoked in the case of significant breach of the Code or a persistent repetition of behaviour about which the Member has previously been warned. Levels of action can be applied cumulatively in cases of repeat incidents. The most serious forms of breach are termed 'Gross Misconduct' and include:

- 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

18.The Member who is alleged to have breached the Code of Conduct must be informed of the right of appeal at the end of the Hearing.

## Disciplinary Action

### Level 1

The Chair of the Hearing Sub-committee gives 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. This oral warning will be given after the hearing.

### Level 2

A written warning is given by the Chair of the Hearing Sub-committee, itemising the unacceptable behaviour, stating the improvement required with immediate effect and the consequences of continued non-compliance.

### Level 3

A final written warning, itemised as above, also stating that if the behaviour is repeated the Member will be asked to leave Cardiff U3A or Committee, with immediate effect.

### Level 4

The Member is asked to leave Cardiff U3A.

## Decision

Within 7 days of the Hearing Sub-committee, the decision will be communicated in writing to the Member advising him/her if the breach of the code of conduct has been upheld or not upheld.

If the breach has been upheld, s/he will be informed:

- Of the action that will be taken as a result.
- That s/he has the right of appeal.
- That the right of appeal can only relate to the original breach.
- That the appeal request must be lodged in writing with the Chair of the Hearing Sub-committee within 14 days from the date the decision is communicated.

Details of the decision will be recorded, dated and kept on file.

## The Appeal

1. The Chair of the Hearing Sub-committee will advise the Chair of Cardiff U3A that an appeal has been lodged. The Chair will then convene an Appeal Panel consisting of the Chair of Cardiff U3A and 2 other Trustees and ensure all relevant information is made available to them.

2. The Chair of U3A will write to the Appellant advising the date of the Appeal Panel, that s/he will be expected to attend to make the case in full (oral and written, as they choose), and that s/he may be accompanied by a companion.

3. The Chair of the Appeal Panel will summarise the issues involved in the disciplinary hearing. The Appellant will be given the opportunity to speak, along with the companion if the companion wishes to speak.

4. The Appeal Panel will retire to consider all aspects of the appeal case in order to decide whether to uphold the Appeal. They will take into account any mitigating circumstances and make a final decision - which must be communicated in writing to the Appellant within 7 days of the Appeal Panel Hearing.

5. The Appeal Panel's decision is final. Absolute confidentiality must be maintained by all concerned.

6. The decision will be recorded, dated and kept on file.

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