



Complaints & Disciplinary Procedure

The difference between a complaint and a disciplinary matter

Complaints: In any organisation, complaints will occur from time to time, and it is important that Members know where to turn for help, advice and support so that, whatever the issue, it can be dealt with quickly, objectively and appropriately. 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 follow the Complaints Procedure and make a decision as to how best to approach reaching a resolution.

Disciplinary matter: The Disciplinary Procedure sets out how the Worcester u3a Committee will approach problems related to a breach or suspected breach of the Code of Conduct by a member or Committee member ('Member'). This procedure is intended to ensure any issues are dealt with promptly, fairly and consistently.

As there is a high degree of overlap in the procedure for the management of complaints and disciplinary matters, the two have been combined into a single document.

Responsibilities of the Committee

The Chair is the first point of contact for any complaint or alleged breach of the [Member Code of Conduct](#) or the [Committee Member Code of Conduct](#) (together, 'the Code of Conduct').

In the event of a report of any Member allegedly breaching the Code of Conduct or if a breach becomes apparent, the Chair must be notified immediately.

In following the procedure, the Committee will ensure the following:

- Every action is documented.
- The matter (including the appeals procedure) will be dealt with quickly and fairly.
- The Committee will strive to de-escalate any situation and to settle the issue without having to resort to the formal procedure.
- The Committee will seek additional support from Trust staff, the Regional Trustee and Trust volunteers, as required. All requests for support will go via the National Office.
- For more serious issues, the Committee will liaise with the Third Age Trust to seek advice and guidance about procedural issues.
- Decisions will be based on facts and evidence.

The formal procedure will be implemented once all steps that have been taken to resolve matters informally have been unsuccessful or where a matter is deemed by the Committee to be so serious that the only relevant course of action is to take formal action.

Confidentiality

All situations should be dealt with discreetly and by showing respect for the parties and views involved.

All procedures and documents relating to a complaints or alleged breaches of the Code of Conduct 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.

Sharing of information with the Trust will not constitute a breach of confidentiality due to Worcester u3a's affiliation with the Trust. Members involved in the procedure will be informed of the Trust's involvement.

Informal procedure

In most cases, it is hoped that complaints and alleged breaches of the Code of Conduct can be dealt with informally as detailed below:

- Depending on what the issue is, a decision should be taken as to who the best person is to lead on attempting to resolve disputes amicably and informally.
 - If the matter involves a potential breach of the Code of Conduct, the informal investigation must be led by a Committee member.
 - If an issue has arisen between two Members in a group then the Group Leader may be the best person supported by the Groups' Coordinator, if felt appropriate.
 - For issues involving Committee Members it will be best for another Committee Member to attempt to mediate and try to find a solution.
- The person(s) identified to lead on the informal stage will hold informal discussions with all relevant parties. The purpose of this would be to understand the problem and hear each party's views. The parties may decide to put their concerns or complaints in writing and, for the sake of clarity, this is often helpful.
- If there are several people involved – it may be deemed appropriate to speak with others mentioned so that as full a picture as possible is obtained.
- The initial stage requires checking with the party raising the concern as to whether the Member is willing to accept an informal outcome as opposed to going through a formal process.
- Member(s) will be informed that, if any areas of activity are identified that could potentially be a breach of the Code of Conduct, they will be requested to attend a meeting with an initial investigative sub-Committee.
- The purpose of the informal meetings will be to seek to summarise the situation with both parties, attempting to reach a mutually satisfactory outcome, agree any changes required to ensure that the situation does not happen again and clear the air. All parties should understand their obligations at the end of the meeting.
- If it is felt that there is a case to answer but that nevertheless it is a minor issue and all parties are willing to accept the agreed outcome then it should be made clear that there should be no repeat of the actions/behaviour and that no further action is necessary.
- If, however, it is felt by the person(s) leading on the informal stage, that the situation warrants a more formal approach or a specific course of action e.g. exclusion from an interest group, or if the person raising the matter wishes to lodge it formally, the matter should be referred, in writing, to the Chair stating that it is to be treated as a formal matter.

- A confidential written record of the outcome of informal discussions must be kept by the lead investigator.

Where a Member wishes to raise a matter formally, the individual will be asked to providing as much information as is relevant and, where possible, giving specific dates and times. The individual should be asked as to what outcome they are hoping to achieve and that there are no guarantees as to what the likely outcome will be.

Formal procedure

If an informal process is not effective in reaching a solution or if it is felt that an alleged breach of the Code of Conduct is serious enough to require formal disciplinary action, a decision will be taken jointly by the Chair and the investigator leading the informal process

- if the matter is deemed to not involve a breach of the Code of Conduct, the Complaints Procedure will be followed.
- if the matter is deemed not to be a breach of the Code of Conduct the Disciplinary Procedure will be followed.

The result of any informal investigations must not be disclosed to any other members of the Committee at this stage to not bias any formal proceedings.

Complaint handling: formal procedure

A letter or email will be sent to the individual(s) confirming receipt of the formal request or notification to confirm that the Complaints Procedure will be followed.

The Chair will appoint a sub-Committee of a minimum of 2 individuals to lead on the investigation, including as a minimum, one Committee member. This will include gathering information and conducting interviews related to the complaint. The person(s) against whom the complaint has been made will be informed about the basis of the complaint. This will include the letter of complaint and any supporting documentation or other Member statements. The result of these investigations must not be disclosed to any other Committee Members at this stage in order to not bias any appeal.

Note: If the Chair of Worcester u3a is the subject of the complaint or is the complainant, then the Vice-Chair will replace the Chair in the procedure.

The Committee may also contact the Third Age Trust and request support from the Regional Trustee, a Trust volunteer and/or National Office staff. The Committee will inform the complainant that additional support has been requested and the reasons why.

The timetable for the date of the meeting to hear the complaint will be short, within 14 days. The sub-Committee will then consider the matter, taking into account any mitigating circumstances and agree what action to take. This could include, for example, a change of procedures, a change of venue for presentation meetings or whatever outcome is deemed the most appropriate as a solution.

The decision should be communicated in writing to the Member advising him/her if the complaint has been upheld or not upheld.

If the complaint 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 complaint;
- That the appeal request must be lodged with the Chair within 14 days from the date the decision is communicated.

Disciplinary matter: formal procedure

A letter or email will be sent to the individual(s) confirming receipt of the formal request or notification to confirm that which procedure will be followed.

The letter also has 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 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.

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 sub-Committee 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 he/she says.

The Chair will appoint a sub-Committee of 2 investigating Trustees (who are not involved or connected to any party in the alleged breach) to investigate it. This will include gathering information and conducting interviews related to the matter.

Note: If the Chair of Worcester 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 Worcester u3a or seek advice or request attendance from Third Age Trust staff or Committee members.

The timetable for the date of the meeting to hear the alleged breach of the Code of Conduct will be short, preferably within 14 days from the date that the Chair is first advised.

The Hearing Committee

The Hearing Committee will be the members of the Committee appointed by the Chair. The Hearing Committee may include members of the investigating sub-Committee.

The initial Hearing Committee will examine the matter, considering any written statements submitted, verbal statements and any mitigating circumstances. From this the Hearing Committee will agree whether any disciplinary action has taken place.

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 not to bias any appeal that they may be required to hear at a later date.

The initial Hearing Committee may decide there is no breach of conduct in which case they will advise the Member of this outcome.

If the Hearing Committee decides 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.

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 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 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 above, which states that if the behaviour is repeated their Worcester u3a membership or Committee membership will be terminated with immediate effect.

Level 5

Termination of Worcester u3a membership or Committee membership.

Gross misconduct

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 or dishonesty.
- Malicious damage.
- Conduct which brings Worcester u3a into disrepute or is prejudicial to Worcester u3a or the running of Worcester u3a.

The Committee has the right to move immediately to Levels 4 or 5, including the termination of Worcester u3a membership and/or Committee membership.

Decision

The decision of the Hearing Committee should 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, 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 initial hearing within 7 days from the date the decision is communicated.

Appeals Procedure

On receipt of an appeal request, the Chair should be informed by the chair of the initial hearing.

The Chair will then convene an Appeal Panel of a minimum of 2 Committee members (where possible) who did not hear the original matter. The appeal hearing must take the form of written representation with the opportunity for the Member to attend for a right of reply. The appeal is to be heard within 14 days from the date of receipt of the appeal request.

At the appeal meeting, the Chair of the Appeal Panel will summarise the issues and the information provided and then the Member will be given the opportunity to speak, along with their companion if the companion wishes to speak.

The Appeal Panel will consider its position on the matter, taking into account any mitigating circumstances, and make a final decision which must be communicated in writing within 7 days of the appeal meeting.

The Appeal Panel's decision following any appeal is final and absolute confidentiality must be maintained.

This procedure is to be reviewed by the Committee at least once every three years.

Adopted by the Committee: 14 December 2022

Reviewed: 14th December 2025