

PRESTON PARK u3a

DISCIPLINARY PROCEDURE

Introduction

1. Preston Park u3a (PPu3a) is a charity run by members for members, with the aim of promoting ongoing learning, personal development and well-being in the so called Third Age. We are committed to making sure our u3a is as inclusive and welcoming as possible and our meetings and activities are conducted in a friendly and co-operative atmosphere.
2. To ensure we achieve this, like other u3as we have adopted a [Member Code of Conduct](#) that clarifies the standard of behaviour expected from each u3a member. Committee members of PPU3a, as charitable trustees, are in addition required to comply with the [Trustee Code of Conduct for u3as in England and Wales](#). Both Codes are available to view on the Links page of our website (<https://prestonpark.u3asite.uk/>).
3. This procedure sets out how PPU3a will approach problems related to a breach, or suspected breach, of the relevant Code of Conduct by a member or Committee member of PPU3a.

Principles to be followed

4. In dealing with allegations of a breach of a Code of Conduct, PPU3a will:
 - ensure issues are dealt with promptly, fairly and consistently
 - strive to de-escalate any situation and to settle the issue without having to resort to formal disciplinary action
 - encourage all parties to take a problem-solving approach to achieve resolution
 - document every action
 - maintain confidentiality at all times and deal with the parties discreetly and with respect
 - base decisions on facts and evidence.
5. PPU3a will liaise with the Third Age Trust to seek advice and guidance about procedural issues where required. 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.

Reporting a suspected breach of a Code and initial informal procedure

6. Any alleged or suspected breach of a Code of Conduct must be notified immediately to the Chair. The Chair may be contacted via the [Contact](#) page of our website.
7. If the Chair of the 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 ask Committee members from a

neighbouring u3a or seek advice or request attendance from Third Age Trust staff or Committee members.

8. The Chair will use his/her best endeavours to resolve the problem amicably and quickly, through an informal discussion with the member or Committee member in question. Resolving disputes amicably and informally is more likely to lead to a better relationship between the parties in the longer term.
9. The member or Committee 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.
10. The informal discussion will be clear and all parties should understand their obligations at the end of the meeting. The Chair should keep a confidential written record of the outcome of the informal discussion.

Formal disciplinary procedure

11. This formal procedure will be followed 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.
12. The Chair will appoint two investigating Committee members (who are not involved or connected to any party in the alleged breach) to investigate it. The Chair will also appoint a Hearing Sub-Committee of a minimum two/three Committee members (where possible) to hear the alleged breach.
13. The result of these investigations must not be disclosed to any other Committee members at this stage, in order to not bias any appeal. 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.
14. A letter will be sent to the member/Committee member who is alleged to have breached the Code of Conduct to advise them:
 - they are subject to a formal disciplinary procedure
 - what constitutes the alleged breach of the Code of Conduct
 - that they should provide a response to the alleged breach in writing
 - of the date of the breach hearing by the Hearing Sub-Committee
 - that they can also attend the Hearing Sub-Committee meeting to state their response, in addition to their written response, and
 - they may choose to bring a companion, if they wish, who will also be bound by confidentiality
 - that they may ask any witnesses to the incident(s) who are willing to give representations to contact the Hearing Sub-Committee to give 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 Hearing Sub-Committee

15. The Hearing Sub-Committee appointed by the Chair will examine the matter, considering any written statements submitted, oral statements and any mitigating circumstances. From this the Hearing Sub-Committee will agree whether any breach of a Code of Conduct has taken place.
16. 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.
17. The initial Hearing Sub-Committee may decide there is no breach of conduct in which case they will advise the member or Committee 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 of action

18. **Level 1**
No case to answer. No further action necessary.
19. **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 Sub-Committee. Details of the warning should be recorded, dated and kept on file.
20. **Level 3**
A written warning from the Chair, on behalf of and agreed by the Hearing Sub-Committee, itemising the unacceptable behaviour, stating the improvement required with immediate effect and the consequences of continued non-compliance.
21. Levels 4 and 5 below will only be invoked in the case of significant breaches of the Code or a persistent repetition of behaviour about which the member or Committee member has previously been warned, such as not complying with the terms of the constitution.
22. **Level 4**
A final written warning which, in addition to the wording in Level 3 above, states that if the behaviour is repeated the member or Committee member will be asked to leave the u3a or Committee, with immediate effect.
- Level 5**
23. The Committee member or member is asked to leave either the Committee or the u3a.

Gross misconduct

24. 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 Committee member or member to leave. The Hearing Sub-Committee should also consider invoking the [Safeguarding Policy and Procedure](#).

Decision

25. The decision should be communicated in writing to the member or Committee member advising them whether 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 received by the person who chaired the initial hearing within 14 days from the date the decision is communicated.

Appeal procedure

26. The person chairing the initial hearing should inform the Chair of the intention to appeal. The Chair will then convene an Appeal Panel of Committee members who did not hear the original disciplinary, to hear the appeal.
27. The appeal must take the form of written representation and be lodged by the appellant with the Chair within 7 days of the appeal request. The member or Committee member must be advised of their right to attend the appeal hearing for a right of reply and to bring a companion.
28. The Appeal Panel will then hold the appeal hearing to consider the representation and any written response in order to make their decision on whether to uphold the appeal or not. This will be independent of the initial hearing and Committee members should not discuss this outside of the Appeal Panel.
29. If the member or Committee member concerned requests a right of reply to the Appeal Panel they can be accompanied by a companion. The Chair of the Appeal Panel will summarise the issues involved in the disciplinary hearing and the information provided and then the member or Committee member will be given the opportunity to speak, along with their companion who may also speak in a personal capacity, if they wish.
30. The Appeal Panel will review its decision, considering any mitigating circumstances, and then make a final decision which must be communicated in writing within 7 days of the appeal meeting.
31. The Committee's decision following any appeal is final and absolute confidentiality must be maintained.

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