



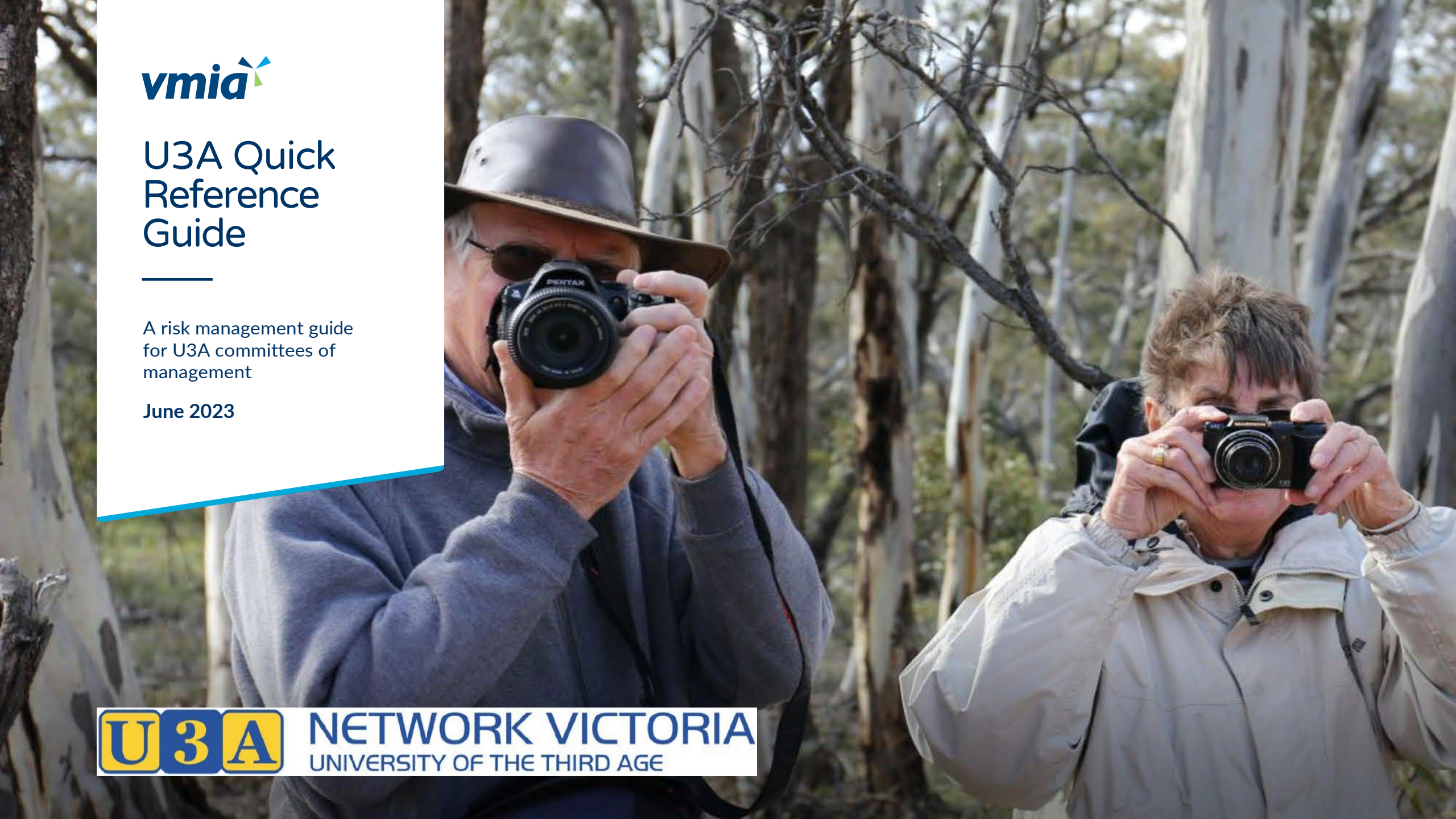
U3A Quick Reference Guide

A risk management guide
for U3A committees of
management

June 2023



NETWORK VICTORIA
UNIVERSITY OF THE THIRD AGE



Be prepared and recover quickly!

A guide for University of the Third Age (U3A) committees of management.

U3As play a vital role in building vibrant Victorian communities.

They provide lifelong learning to people who are retired or semi-retired. All U3As are governed by volunteer committees, although a small number also have paid administrative staff.

This guide is designed to assist your committee of management to understand their role in managing risk, what is covered by VMIA's insurance products, how to make a claim and where to get assistance if required.

Notes:

This guide does not constitute legal or specific insurance advice and will not cover every issue or scenario that may arise, so please contact us if you have questions on 03 9270 6900 or at contact@vmia.vic.gov.au.

Most U3As must be incorporated associations. There are a small number of U3As under an auspice governance arrangement.

We recognise that only a few U3As employ staff but have included important information to assist committee who do. We have used the generic term 'Staff Member' to refer to any person who reports directly to the committee of management. This may be a coordinator, administrator or other title of a paid staff member engaged by the committee.





Risks and VMIA



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How can VMIA help?

The Victorian Managed Insurance Authority (VMIA) is the Victorian Government's insurer and risk adviser, covering the people, places and projects that help Victorians thrive.

The Department of Families, Fairness and Housing (DFFH) funds a suite of insurance products called the Community Service Organisations (CSO) Insurance Program for all incorporated U3As. Your organisation does not pay for this insurance, but you will receive a Certificate of Currency each year confirming the type and level of cover you have.

It is important to note your Community Service Organisations Insurance Program does not cover such things as buildings, contents, vehicles and cyber. You may need to seek your own independent insurance advice, purchase insurance from a commercial insurer or you may have insurance from another source.

Information

Information about the CSO Insurance Program can be found on our website:

[VMIA > Insurance > Policies and Cover > Community Service Organisations](#)

Watch these videos:

[Insurance Program Overview](#)
[Certificates of Currency](#)



Overview of the CSO Insurance Program

Insurance policy	Coverage	Example
Directors and Officers	Cover for claims made against your organisation's directors and officers (including employment-related matters) while acting in their capacity.	A formal investigation is undertaken when an allegation of bullying is made against a U3A committee member by a former volunteer.
Public and Products Liability	Cover for your organisation, employees and volunteers in relation to any liability to pay compensation where a third party becomes injured or their property is damaged as a result of negligence.	A participant has made a claim against the U3A after volunteer or staff actions (or non-actions) lead to an injury.
Personal Accident	Cover for volunteers and board/committee members and other eligible people, whilst performing their duty, for accidental bodily injury that results in loss of life, permanent or temporary disablement.	A volunteer loses two teeth while undertaking their duties and makes a claim.
Entity Fidelity	Cover for the loss of money or other property arising from any dishonest or fraudulent act committed by an employee or volunteer of your organisation.	A claim arises after a volunteer who was given the responsibility of handling money appears to have 'lost' \$1000.
Professional Indemnity	Cover for your organisation for an alleged breach of professional duty.	A U3A tutor accountant provides inaccurate advice to a class and a participant loses money as a result.
Medical indemnity	Cover for claims of personal injury alleged to have resulted from the negligent provision of health care services.	A nurse administers the wrong medication to a patient.
Volunteer care givers	Cover for the property of volunteer care givers (foster carers) if it is damaged by people in their care.	A volunteer care giver's TV remote control is damaged when a child in their care flushes it down the toilet.

For specific policy wording, please refer to: [VMIA > Insurance > Policies and Cover > Community Service Organisations](#)

This is a set suite of policies – some policies may not be relevant to the activities of a U3A (i.e. Professional Indemnity, Medical Indemnity and Volunteer care givers)

Make a claim

All claims should be lodged through the VMIA portal: <https://portal.vmia.vic.gov.au/>



If you have any questions or require support with the portal, please call us on 03 9270 6900.



Risk management



What is risk?

'Risk is the effect of uncertainty on objectives.'

AS ISO 31000:2018

What does this mean for the committee?

The committee of management sets the strategic direction and operational program of the U3A.

Once objectives have been agreed, ask "what would stop us achieving these goals?" These are the risks, the things that worry us, that need action.

You will identify and manage risks that could occur in any area of your organisation, such as financial, people and culture, services and partnerships.

Some risks will be day-to-day and don't need committee oversight. The committee should instead focus on the risks that could impact the strategic direction and key deliverables of the organisation. These should be high-level, important risks. Most organisations, even large ones, have between five to seven strategic risks.

Tips and hints to help you manage risk

- Understand how likely the risk is to occur and what the impact would be if it did occur.
- Agree on who is accountable for managing the risk and in what timeframe.
- Document the actions needed to respond to the risks on a risk register.
- Try not to create a shopping list of everything that could go wrong. Be specific on what is important for your organisation and what you can manage.
- Not all risk is bad. Implementing a new program may seem risky but can bring many benefits to your organisation and community.
- Discuss risks and risk management at your committee meetings and ensure urgent risks are followed up.
- The committee is responsible for determining the appetite for taking risks. This means weighing up the pros and cons of doing something or not doing it. It means thinking about the potential consequences of action or inaction, including the impact on the financial sustainability and reputation of the organisation.
- Talk about risk as part of any significant decision. When you want to achieve an objective, think about:
 - what would stop us from doing this?
 - what do we need to get right in order to do what we want?
- U3A Network Victoria has developed a risk management framework that addresses: governance, environment, finance, information, people, programs and services.



U3A Terra Committee



U3A Terra

You have just joined the committee of management of U3A Terra.

You know that you have responsibility for the overall governance of the organisation.

This includes:

- Ensuring ongoing financial viability
- Managing your legal obligations
- Setting the strategic direction, overseeing significant business decisions and operational plans
- Managing the day-to-day activities of the organisation and ensuring the functions required are effectively resourced and performed
- Hiring and managing relevant people (where applicable)

However, you're not sure about whether your insurance covers all the activities that the U3A is undertaking.

The following pages outline some fictional scenarios of common issues faced by committees of management. We hope to give you greater confidence in knowing what's covered and to assist you to make informed decisions if something does go wrong.



U3A Terra

Compliance and culture

The U3A Terra committee has run a satisfaction survey that asked how satisfied everyone is with programs, policies and how people behave towards each other.

The aim was to gain an indication of compliance against occupational health and safety laws and insight into the culture at U3A Terra.

The results are back and everyone is shocked – there are allegations that a particular committee member, Angie is bullying several members.

They all talk about this without Angie being present and decide amongst themselves that this couldn't possibly be true; Angie is always so nice to them. They put aside the survey results and do not take any action to investigate or address these allegations.

Committee's role

The committee of management of the U3A is responsible for ensuring that relevant laws and regulations are followed.

This means having policies and processes in place to know if the organisation is compliant and mechanisms to validate that they are being followed. This also includes having processes in place to identify and manage any non-compliance.

Tips and hints

- Explore ways for the committee to receive feedback, independent from committee or staff members (if applicable), to validate the information being reported to the committee. This could include having visitors/observers present to the committee, committee members interacting with convenors/staff members and/or participants at classes/events, or having a committee email address so convenors/staff members and/or participants can contact committee members with feedback or questions
- Consider using independent legal advice or investigations to better understand issues of concern, especially if there are differing opinions of conflict
- Have people with accountability to monitor compliance with relevant laws, regulations and quality standards
- The committee should understand the key laws, regulations and standards that must be followed and receive information about compliance
- Ensure that policies and training are in place to ensure that people with accountability understand their role and have skills to be able to address problems effectively and efficiently

Insurance implications

If the allegations of bullying are not addressed by the committee, or the way in which the feedback is given to the person accused of bullying is seen to be unfair or harassment, the committee may have an allegation of negligence made against them for failing to respond appropriately. If this happens, U3A Terra may lodge a claim under the Directors and Officers Policy to cover the costs associated with defending possible legal action counselling, expenses and wages.



The Art & Craft Exhibition



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The Art & Craft Exhibition



Each year, U3A Terra holds an art exhibition to showcase the art and craft works created by participants.

Preparations started months ago, hiring lighting, art display panels and craft shelving, agreeing on sale pricing and creating the catalogue, hanging the paintings, preparing invitations and social media advertising and, of course, organising catering for the opening night.

All volunteers and participants have pitched in to help with the preparations.

And finally, the big day has arrived!

Committee's role

The committee's role is to have oversight of the policies and practices associated with the events. This includes understanding the insurance implications for contractors, volunteers, the public and staff.



The Art & Craft Exhibition

A fall at the event



It's opening night! And there's a great turn-out with volunteers, the artists, their families, and members of the public. What great publicity for U3ATerra.

Iris has come to the exhibition with three friends, and they are having a ball.

As she weaves in and out of the crowd with plates of delicious canapes for her friends, she unexpectedly trips on a leg of a display panel. It wasn't flagged or signed as a trip hazard and Iris has cut her hand badly on the smashed plates when she fell.

Committee's role

The committee is responsible for understanding their obligations in relation to health and safety for staff members, volunteers and visitors.

More information: <https://www.worksafe.vic.gov.au/resources/community-service-volunteer-boards-and-committees>

Tips and hints

- Ensure policies and procedures that comply with Occupational Health and Safety legislation are in place
- Prior to the event starting, conduct a thorough risk assessment of the area to identify hazards
- Clearly mark/sign any potential hazards or remove hazards altogether

Insurance implications

Iris may claim that U3A Terra was negligent by not appropriately signing the hazard or marking a clear path in front of the panels. This would trigger the Public and Products Liability policy, which would cover compensation and related expenses that U3A Terra are liable to pay to Iris as a result of their negligence.

The Art & Craft Exhibition

Damage to the lighting system



Art Lighting Specialists (ALS) has installed the lighting for the exhibition, and they will be back after the exhibition to take it down.

During the excitement of announcing the best handwoven basket, Eric, the judge, accidentally flings the trophy into the air and it smashes one of the lights.

Committee's role

The committee of management should ensure that policies and procedures are in place to guide decisions about when third parties should have their own insurance. The committee is responsible for deciding what risks the organisation should take on.

Tips and hints

- It is reasonable to ask for other businesses/contractors to have and show evidence of their insurance, usually through a Certificate of Currency
- It is reasonable to refuse the services of contractors if they don't have appropriate insurance
- Ensure that the contract reflects the desired position on responsibilities assumed by each party
- Sometimes volunteers or staff members, with good intentions want to provide a service, such as hanging the art works, bringing in family pets as part of a program or other activities that are outside of their usual responsibilities. The organisation needs to assess the risks associated with these activities, as the organisation, rather than the volunteer or staff member involved, may be held responsible.

Insurance implications

If ALS had its own insurance, the claim could be made through that company for the damage.

Alternatively, if U3A Terra are responsible for the damage, the Public and Products Liability policy would cover the costs incurred as a result of the damage.

The Art & Craft Exhibition

Missing money



Tim, a U3A Terra volunteer, offered to look after the Art & Craft Exhibition finances, including all the cash handling and counting.

After the event, it was found that Tim stole \$1000 and was later charged by police.

Committee's role

The committee is responsible for setting strategy, policy and procedures to ensure the sustainability of the organisation.

This includes ensuring there are appropriate financial controls in place such as locked cash boxes, documented financial delegations and clear processes for banking cash.

Tips and hints

- Ensure that policies and procedures are in place regarding all financial transactions, including cash handling
- It's good practice to have two people involved in the collection of cash, and to have records of the time and amount collected at each stall, signed by the people running the stall
- Consider collecting, counting and recording cash at regular intervals throughout the day
- Don't carry large amounts of cash to or from the bank.



vmia

The
Walking
Group



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The Walking Group



The TU3A has volunteers who are rostered to lead the walking group every Wednesday at 10am.

Today, Minju and Yvette are the volunteer convenors leading the group, and everyone is waiting out the front with good shoes, water bottles and hats.

It's time to head off!

Committee's role

The committee of management is responsible for ensuring that policies and practices are in place for volunteers.



The Walking Group

A volunteer driving participants



The TU3A has volunteers who are rostered to lead the walking group every Wednesday at 10am.

Today, Minju and Yvette are the volunteer convenors leading the group and will be driving some of the participants to a nearby park to do a short bush walk.

Committee's role

The committee's role is to have oversight of the policies and practices associated with the driving of vehicles. This includes deciding when the use of private vehicles for U3A activity is acceptable or not.

Tips and hints

- Ensure policies are in place for when private vehicles can be used by volunteers for organisation business and/or transporting participants. Some organisations do not allow this
- It is good practice to:
 - › have copies of driver's licences, including any restrictions or other qualifications such as a bus licence
 - › maintain a register of who can drive vehicles
 - › regularly review licences
 - › ask people to read and sign policies to ensure they understand what is expected of them.
- If private vehicles are being used for organisation business and/or transporting participants, it is also good practice to:
 - › ensure the owner has comprehensive motor vehicle insurance
 - › ensure that the vehicle owner understands the claims process in the event of an accident.

Insurance implications

The Transport Accident Commission (TAC) covers personal injury as a result of a motor vehicle accident.

If a volunteer is injured whilst undertaking duties on behalf of TU3A, they may also be eligible to make a claim under the Personal Accident policy.

Damage to private vehicles would be covered by the owner's private insurance policy. If TU3A are responsible for the damage, their Public Liability policy may respond.

The Walking Group

Personal Information



Today the walking group has several people who have dementia joining them while their carers are taking a break. Margaret, the volunteer convener, is carrying a backpack with the first aid kit and the participants' medical and contact details. When they go to the park, Margaret went to double-check the medical information to see if Des, one of the participants, was allergic to egg.

Margaret realised that she had accidentally left the backpack in the toilets at the shopping centre where they stopped on the way. By this time Des had already eaten an egg sandwich. Des said he was feeling fine but was noted to have puffy eyes afterwards.

Once they retrieved the backpack, they gave him an antihistamine, which helped. Des' wife incurred the cost of a medical check-up afterwards.

Committee's role

The committee is responsible for ensuring policies and procedures are in place for the collection, use, storage and deletion of personal information for staff, volunteers and clients of your organisation. This includes details such as address, medical and court order access information.

Tips and hints

- Regularly review policies to ensure that they meet legislative and regulatory requirements around privacy and information security
- Consider having personal information on an electronic platform that can be accessed off-site, rather than carrying paper documents
- Back-up electronic data regularly and store data off-site
- Many cyber-attacks relate to accessing personal information such as bank details, with the most frequent breaches occurring when people click on scam emails/links
- Consider running training on cyber safety and other ways to protect data and information.

Insurance implications

Des and his wife may make a claim against the organisation for any non-Medicare related expenses and other compensation that TU3A is liable to pay in relation to the incident. If TU3A are considered to have breached their duty of care, their Public and Products Liability policy would respond to cover the expenses.

The Walking Group

Volunteer lunch



As part of a volunteer convener training session for the walking group volunteers, U3A Terra puts on a sausage sizzle followed by a selection of fancy biscuits. Mike bites into a large piece of rocky road and hears a loud crack as his front tooth breaks at the root.

Committee's role

The committee is responsible for ensuring that policies and practices are in place for volunteers.

Tips and hints

- Have food safety and preparation policies and procedures in place and ensure volunteers are aware of what these food standards are
- Conduct regular training on food safety and preparation to ensure contemporary knowledge of required standards
- Ensure there are adequate facilities for cooking, hand washing, surface cleaning and rubbish disposal
- Have a register of where food is purchased, or who made items at home and the date it was made
- If food is prepared at home, keep a record of the list of ingredients so sources can be traced in the event of illness or allergic reaction.

Insurance implications

Under the Personal Accident policy, there is potential for the injured volunteers to claim non-Medicare medical expenses and other benefits. The specific injuries and limits covered are listed in the policy.



The Book Club



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The Book Club at U3A Terra



Ben started a book club group in his own living room a year ago, with the aim of reducing social isolation for people in his apartment block, but it has outgrown the space.

Ben has approached U3A Terra to see if the book club can meet at U3A Terra one Thursday night a month.

The group is not a legal entity and does not have any insurance.

U3A Terra must decide what to do.

Committee's role

The committee's role is to have oversight of the policies and practices associated with the services it offers and arrangements with third parties. This includes understanding the insurance implications for organisations using the organisation's facilities, equipment and services.



The Book Club

The auspice agreement



U3A Terra needs to decide if they should auspice Ben's book club.

Auspicings is a legally binding agreement that sets out the terms and conditions of an arrangement between U3A Terra and the book club.

In effect, U3A Terra would be accepting responsibility for the actions of book club, which potentially impacts insurance, risk management and the reputation of the organisation.

Committee's role

The committee's role is to have oversight of the policies and practices associated with auspicings arrangements. The committee must approve and pass by resolution that your organisation has agreed to auspice the group and its activities. If this procedure has not been followed, the auspice is invalid.

The committee must be able to demonstrate that your organisation exercises sufficient control over the unincorporated group for the duration of the auspice arrangement. The term 'control' implies having oversight of financial, legal and administrative processes.

Tips and hints

In making the decision to auspice a group, the committee of management should:

- Check that the organisation's constitution allows for auspicings
- Ensure the activities of the group align to the purpose and objectives of the organisation
- Ensure that the group does not have any conflicts, partnerships or issues that could negatively impact the organisation
- Understand the insurance implications for organisations using the U3A's facilities, equipment and services
- Formalise the decision in a written agreement.

The auspice agreement might include:

- The length of time of the agreement
- Tasks/support provided to the group by the organisation such as bookings, collection of fees, etc
- Clear expectation that the auspiced group must comply with the terms of the agreement, such as adherence to policies, including OH&S and emergency procedures, lock-up procedures and training on the use of specific equipment.

Insurance implications

Depending on the terms of the agreement, as an auspiced group, the book club may be covered by U3A Terra's CSO Insurance Program – in effect, U3A Terra would be accepting the risk and therefore claims triggered by the book club activity would be lodged by U3A Terra.

The Book Club

Part I: Contractor receiving payment for training services



The book club has an amazing opportunity to have an author, Amanda Schultz, run a creative writing program on behalf of U3A Terra. The only trouble is that she doesn't have her own insurance.

U3A Terra needs to decide if they should allow Amanda to be covered by their insurance for the express purpose of running the creative writing course as an educational activity.

In effect, U3A Terra would be accepting responsibility for the actions of Amanda, which potentially impacts insurance, risk management and the reputation of the organisation.

Committee's role

The committee's role is to have oversight of the policies when U3A Terra approve contractors receiving payment for educational, informational or training services, or activities to be covered by the organisation's insurance. The policies may require contractors to meet specific eligibility criteria and/or formal committee approval.

Tips and hints

- Ensure policies and practices are clear about the criteria for when a contractor is granted cover by the organisation's insurance.
- Ensure the committee, as part of the approval process, considers the risks associated with the person and the activities they are carrying out.
- It is good practice to document the approval and expectations with the contractor via a contract or letter of engagement outlining the specific arrangements and requirements, such as adherence to policies, induction and emergency response requirements, and reflects the desired position on responsibilities assumed by each party.
- Good practice means that payment should be made to the organisation and not the contractor. This helps make the relationship between the contractor and the organisation clear.

Insurance implications

If U3A Terra approves the contractor and their activities as being covered by U3A Terra's insurance, U3A Terra may be responsible for any claims that arise from Amanda's actions. U3A Terra should contact VMIA to determine how this changes U3A Terra's risk profile and to confirm whether Amanda is covered by U3A Terra's insurance, or if further commercial insurance may be required.

The Book Club

Part II: Contractor receiving payment for training services



Amanda Schultz's creative writing program becomes wildly successful across Australia and she decides to set up her own creative writing business, "*Writing with Style*".

Amanda returns to her local U3A to deliver more creative writing sessions. She is using the U3A Terra building, but is running the session as her own business and taking payments for the classes directly.

U3A Terra is advertising the sessions in their newsletter. For clarity, the newsletter states that Amanda's classes are being run at U3A Terra, but all payments are to be made to "*Writing with Style*".

U3A Terra have a written agreement with Amanda, that requires her to have her own Public Liability insurance.

Committee's role

The committee of management should ensure that policies and procedures are in place to guide decisions about when third parties should have their own insurance. The committee is responsible for deciding what risks the organisation should take on.

Tips and hints

- When advertising an activity or event, be clear about whether it is being run by the organisation or not. Without clear information, people may assume that you are responsible for things that you are not.
- It is good practice to document the approval and expectations with the contractor. The contract or letter of engagement should outline the specific arrangements and requirements, such as adherence to policies, induction and emergency response requirements and how payments are to be made.
- Are payments to be made to the organisation and then the organisation pays the contractor, or are participants paying the contractor directly? It is good practice to have participants pay contractors directly if they are separate to your organisation.
- Ensure that Amanda's insurance policy adequately covers likely risks.

Insurance implications

As Amanda has her own insurance, if her actions result in an allegation of negligence, a claim could be made through her company to the extent of her negligence. U3A Terra may be held responsible, if negligent, and a claim could be made against U3A Terra's Public and Products Liability policy if for example a third party suffers personal injury or property damage whilst on the premises.

The Book Club

A volunteer is injured



Janine is a volunteer at U3A Terra. As part of the auspicing agreement, U3A Terra copies the discussion notes for the book club each month.

This afternoon, Janine is making 20 copies of notes ready for book club tonight, when the photocopier jams!

She frantically tried to remove the troublesome pages, only to have them tearing and leaving pieces behind in the body of the copier. As she tries to remove the paper scraps, she catches her hand in the machine and sustains two fractures.

Committee's role

The committee of management is responsible for ensuring that policies and practices are in place in the event of medical emergencies. It is also important to ensure volunteers and staff are trained and aware of what needs to occur in a medical emergency.

Tips and hints

- Have a policy that requires all volunteers (as opposed to participants) to be recorded/registered with the organisation and/or complete a 'sign-in' noting the names of people volunteering for one-off activities such as a working bee or cake stall.
- Have clear task descriptions for volunteers
- Conduct training and induction for volunteers on what they are expected to do and what they shouldn't do
- Training should extend to the use of equipment that volunteers are using, briefing them on what to do in an emergency and how to report a hazard.

Insurance implications

Claims for volunteers may be made under the Personal Accident policy for benefits and/or non-Medicare related medical expenses. As Janine couldn't drive for several weeks, she may also be able to claim travel expenses to and from medical appointments.



The Staff Member



The Staff Member

Hiring the staff member



Karen, the current staff member at U3A Terra recently announced she will retire after 20 years of amazing service. The U3A Terra committee of management now has the task of recruiting a new staff member.

They placed an advertisement online and received several good applications. They arranged to interview three people but the first candidate declared during the interview that she was Karen's daughter. The committee decided not to interview the other two people and offered her the job on the spot.

One of the committee members phoned the other candidates to advise they no longer needed to attend the interview. Word quickly spread that it was Karen's daughter, Jade, who got the role.

Not everyone is as pleased as the committee.

Committee's role

The U3A Terra committee of management is responsible for hiring the staff member.

They should follow transparent practices in selecting the right person for the role. Often, a sub-committee will conduct interviews and make a recommendation to the full committee before appointing the person.

Tips and hints

- Have a recruitment policy that outlines the process to be followed when hiring a staff member
- Have clear selection criteria and agree as a committee on the qualities, skills and experience that you are looking for
- Stick to the process - ensure that every candidate is treated the same, asked the same core questions and given the opportunity to ask questions of the committee
- Be transparent about real or perceived conflicts of interest and agree on the approach taken if conflicts arise
- Check qualifications and other credentials
- Be clear if offers are to be based on such things as Police Checks.

Insurance implications

Unsuccessful candidates may assert that the selection process was unfair and allege nepotism against the organisation.

U3A Terra may lodge a claim under the Directors and Officers policy to cover the costs associated with defending this legal action.

The Staff Member

Performance managing the Staff Member



The U3A Terra committee has concerns that the new staff member, Jade, isn't managing the budget.

Jade, isn't able to answer questions about the finances with confidence and this is making the committee anxious.

The committee has provided robust feedback to Jade about their concerns.

Committee's role

Usually, the key communication between a staff member and the committee is via the committee's Chair.

It's good practice for the Chair and the staff member to meet separately from the full committee meeting to discuss performance, wellbeing and career development and day-to-day issues, such as upcoming leave.

Tips and hints

- Have a clear and up-to-date position description that outlines expected tasks and behaviours.
- Ensure processes and procedures regarding performance management are specifically worded and followed.
- Discuss the difference between expectations and observations in a calm and professional manner.
- Keep factual, professional and respectful notes of any discussions about performance.
- Agree on action plans, such as mentoring, training or professional development courses, with defined deliverable dates and measures of success.
- Meet regularly to monitor outcomes against the plan and provide ongoing feedback.

Insurance implications

If the way in which feedback is given is seen to be unfair, harassment or bullying, the staff member may make a claim against the organisation. If this happens, U3A Terra may lodge a claim under the Directors and Officers policy.

The Staff Member

Termination



The U3A Terra committee has received a number of formal complaints about the new staff member, Jade, and her abrupt and patronising tone when talking to volunteers and participants.

The committee is troubled and discusses the issue with Jade. The committee begins a process of formal warnings, with a documented improvement plan in accordance with the terms of her contract.

Unfortunately, despite a comprehensive performance management plan and opportunities to improve, there is no improvement, and the committee decides to terminate Jade's contract.

Committee's role

The committee of management of the U3A Terra is responsible for the termination arrangements of the staff member. They also ensure that policies and practices are in place regarding employment arrangements for all staff. This extends to setting the values and culture of the organisation.

The decision to terminate employment must follow a process of formal warning and opportunities to improve as outlined in the relevant Award or Agreement. The process should include well-documented performance management and feedback.

Tips and hints

- Consider getting independent legal advice before making this decision
- When meeting to advise of a separation decision, invite the staff member to have a support person present
- Prepare for separation meeting by knowing the person's entitlements, determining the finish date, having expected 'acting' arrangements in place and having a communication plan in place for other staff, participants and stakeholders
- Be very clear about why the separation is taking place and align this decision with previously articulated expectations of the role, including values and behaviours
- Notify VMIA if a client suspects they may receive a claim in the near f
- Consider offering counselling or other support services
- If you need legal advice, consult Not for Profit Law/Justice Connect at <https://www.nfplaw.org.au/> or seek support from U3A Network Victoria on 03 9670 3659.

Insurance implications

If the action is seen as harsh, unjust or unreasonable, the staff member may make a claim for unfair dismissal. If this happens, U3A Terra may lodge a claim under the Directors and Officers policy, which includes Employment Practices Liability.



More
Information



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More Information

Other considerations

The committee of management should understand when other insurances may be triggered depending on circumstances:

- > TAC – personal injury insurance from a transport accident:
www.tac.vic.gov.au
- > WorkSafe – personal injury to an employee:
www.worksafe.vic.gov.au
- > Building and Contents policies
- > Motor insurance policies

Some things are not insured or not insurable, so make sure you're aware of what is covered and contact us if you have any questions.

VMIA support

- > **Training**
Register for free VMIA training
<https://www.vmia.vic.gov.au/training/workshops-and-events>
- > **Tools and insights**
<https://www.vmia.vic.gov.au/tools-and-insights>
Phone: 03 9270 6900
Email: contact@vmia.vic.gov.au

U3A Network Victoria

Contact U3A Network Victoria for more information:

- > **Phone:** 03 9670 3659
<https://u3avictoria.org.au>
- > **Resource Library**
<https://u3avictoria.org.au/usc-landing>