
Please read these notes in conjunction with the advice on the Third Age Trust website <https://www.u3a.org.uk>

These notes were compiled by the Yorkshire & Humber u3a Region Management Team from a workshop they ran on February 21st 2025 entitled

Keeping it Legal

Thanks is due to the Third Age Trust who provided the speakers at the event. Please read these notes in conjunction with the advice on the Third Age Trust website <https://www.u3a.org.uk>.

Data Protection

The relevant legislation is the Data Protection Act 2018 which incorporates the more familiar General Data Protection Regulation (EU GDPR).

u3as gather personal data during the joining process and at renewals also if we claim gift aid on subscriptions; also in the running of groups. To gather and hold data we need a lawful basis. For us this falls into one of three categories: legitimate interest, contract and consent. We used to rely on legitimate interest but it is simpler to rely on contract by virtue of a subscription being paid and membership granted. However, where there is no subscription (e.g. an honorary member) we can rely on legitimate interest.

Permission (consent) given for the purposes set out by a u3a is an opt-in, e.g. we can't assume it is OK to put someone in a WhatsApp group or share their details with the Third Age Trust.

Written consent may not always be practical, e.g. when taking photographs at a general meeting you may rely on a notice and an announcement to alert people to give them a choice to be in or out of the photo.

A u3a needs to undertake an explicit exercise to agree who needs access to what membership data. This will vary between u3as depending on how they are run but it must be set out deliberately. Casual sharing of data must be avoided (e.g. not to respond to requests like '*I hear you've access to Beacon; can I have X's phone number*').

Gift Aid regulations override data protection, where records must be kept for the current year plus six. Also accident / incident records, which typically include personal details of the injured party and witnesses, must be kept for a minimum of three years or longer, depending on the nature of the accident, so seeking specific advice is recommended.

It is advised to delete a lapsed member's data at the end of the accounting period in which membership lapsed. Care must be taken to ensure it is deleted in full from all systems the u3a uses.

It is not required to keep a register of attendees at meetings; however some venues may require it. Data Protection regulations apply to registers.

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Written question submitted to the meeting

We can have the details of our members such as full name, address, telephone number (land line and mobile) next of kin but not date of birth or even year of birth. Is there a reason why the DOB cannot be asked for? It makes knowing the demographic of a u3a difficult.

ANSWER: You can ask for this data but not compel and you need to be able to justify in a legal sense why it is required. Perhaps consider asking for the year of birth or ask people to indicate within a range. Beacon cannot store this data, so consideration must be given to storing it in an appropriately confidential way.

Safeguarding

According to the Care Quality Commission (CQC), "safeguarding" means **protecting people's health, wellbeing, and human rights, enabling them to live free from harm, abuse, and neglect**. As a charity we are required to have regard to safeguarding our members.

The law puts obligations on everyone in regard to safeguarding, not just on professional people.

All u3a members have a duty to report concerns to the committee and the committee is obliged to investigate. The Trust is there to advise but it is a matter between the individual u3a and the relevant local authority. The Trust are looking to develop on-line e-learning.

The committee need to determine if a threshold to engaging the local authority has been reached. Group Leaders are key in this and need to be aware of the policy.

A committee member should be lead on Safeguarding and Group leaders, in particular, should be familiar with the policy. It is the responsibility of the committee to determine when a threshold for action has been reached.

In the discussion, it was pointed out from the floor that u3as do not have the appropriate systems in place to hold medical records and should be careful not to.

Training is available from some local authorities and The Trust support u3as availing of this. The Ann Craft Trust www.anncrafttrust.org is also recommended as a training provider.



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Written question submitted to the meeting

I am emailing you with a specific question about a hypothetical situation which I hope the legal team can answer:

When (if ever) can our duty to help someone with a Safeguarding issue (e.g. someone perhaps with what appears to be dementia who also is causing significant disruption within a group, effectively stopping the group from pursuing their main focus) override our need to protect their information (the information we would hold in this respect would be the person's behaviour)? I think I already understand that medical / social care authorities could be alerted (without specific authorisation from the individual concerned) if we felt that the person was putting themselves into danger or very likely to do so. How do we stand if we considered talking to a relative who is, at the time of the incident(s) living with the person? Would it make any difference if the other person (the person at home) was a u3a member or not?

ANSWER: Nothing is ever black and white so you need to ask questions. Is the behaviour new? Random? Suddenly apparent or incremental?

In the first instance talk to the person directly, 1 to 1 (unless there is an immediate risk of injury in which case dial 999) and be sure to follow your u3a's procedure. The individual may have a preference as to who you might talk to, don't assume it is a spouse or relative. Do not go behind the individual's back.

Complaints and Disciplinary

We should have both a Complaints procedure and a Disciplinary procedure whilst recognising an issue may start as a complaint and become disciplinary.

The model procedures on The Trust website should be taken and modified to suit individual u3as. These are not paraphrased here for fear of omission or error and should be read as-is.

Disciplinary issues relate to a breach, or suspected breach, of the u3a code of behaviour. Allegations of theft, abuse and violence are *de facto* disciplinary matters not complaints.

A resolution at the earliest stage, preferably while things are informal, is ideal and always apply proportionality.

A u3a must seek advice from The Trust before suspending a member. The u3a model constitution doesn't cover suspension as part of a disciplinary process so its likely most u3as don't cover this in their constitutions.

Disciplinary matters should not be discussed at a full committee meeting so as to ensure there are trustees available who can be deemed neutral or unpolluted to be part of the investigation and any

Please read these notes in conjunction with the advice on the Third Age Trust website <https://www.u3a.org.uk> appeal. Any potential conflicts of interest should be declared and recorded so they can be avoided explicitly.

A designated trustee should be the point of contact for allegations and this should be known to the membership.

Where there is a complainant, it should be clarified what precisely the complainant is looking for by way of outcome. This is not necessarily about delivering that outcome but to have clarity as to what might be an acceptable resolution.

Copyright

Copyright arises automatically when something is created and committed (these notes are © YAHR Management Team as the author, me, has written them as an officer of YAHR u3a).

It is vital u3as take copyright compliance with the utmost seriousness and err on the side of caution.

It was a surprise at the meeting, on a show of hands, how few seemed aware of the licences The Trust make available to u3as. Details are on The Trust website under copyright and licences.

Regarding the MPLC Blanket (Umbrella) Licence, required to legally show movies and TV programmes within a public space, u3as need to check the item being shown is actually covered by the licence (<https://uk.mplc.com>).

An Amateur Choirs Licence permits the copying of some works (<https://pml.org.uk>). Breaches of copyright by music and singing groups is high risk.

A YAHR u3a has fallen foul of copyright regulation, at some cost in terms of time and money to resolve the matter.

There are agencies who scour websites looking for breaches of copyright and u3as are a prime target.

The Trust is trying to build a bank of images to make available to u3as. Any member who would like to contribute material should contact The Trust.

There was a brief discussion around the copyright position of AI generated images, however the position is unclear.

Insurance

The Trust holds public liability insurance which means if a u3a member is injured in a u3a activity and the u3a is found to be liable, the member is covered. Likewise contents of a member's home while it is being used for a u3a activity are covered. **Note: it is not a general accident insurance as liability of the u3a must be proven.**

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Road based activities: Bicycle activities are covered by u3a insurance but no motor activities are.

If property in excess of £25,000 value is held, this must be itemised in consultation with the insurers via The Trust.

Written question submitted to the meeting

Is it a requirement for insurance purposes for all members to sign for the receipt of the risk assessments for all activities in which they take part?

ANSWER: No, Risk Assessments, or whatever name a u3a gives to them, do not need to be signed for by group members.

What are the arrangements for assessing the risks of road-based activities such as bicycling and motorcycling?

ANSWER: A reasonable risk assessment needs to be undertaken but not to an 'industry level'. What may be considered common sense questions. For example the risk assessment might say 'the group leader will check the weather' but not require the group leader to record the weather.

The Trust is seeing a significant rise in claims and we need to avoid not being able to afford/obtain insurance or for some activities to become uninsurable. In the first instance the insurers will ask for and expect to receive the risk assessment and the incident/accident form.

Non-members are insured for taster sessions but not if the definition of taster sessions is seen to be abused (e.g. if a non-member spouse is always on day trips). A u3a should have a policy around taster sessions.

Carsharing: the car insurance applies.

There is no requirement to keep attendance registers for insurance purposes although some venues may require this. Registers are subject to data protection regulations.

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Written question submitted to the meeting

Many u3as have an organised travel group where members pay the travel agent directly and are therefore covered by ABTA. However, some groups in an ad hoc way may hire a coach occasionally, with a member of the group collecting money from members and hiring the coach. In such instances, where does any liability rest?

ANSWER: *The member's may be personally liable for any financial loss they incur.*

Scenarios

Scenarios were presented for group discussion / plenary session.

1. <i>A group leader suspects a member has a poor or deteriorating health issue.</i>	Leader should monitor and respond according to the safeguarding policy.
2. <i>A member of a walking group can no longer keep up with the rest but values the social contact.</i>	Adapt the group – easier walks? Find or set up a group more appropriate for reduced mobility. Don't ignore the needs of the rest of the group.
3. <i>A son/daughter leaves their parent who has dementia to join a group to give them (the child) some respite.</i>	Perhaps let the group decide. Be mindful we are not a social care organisation or there to provide respite care. Be aware there are levels of dementia and different symptoms with different needs. A carer can join the individual. A carer 'is an extension of the member' and covered by u3a insurance. Also employed carers would normally have their own insurances.
4. <i>A member at the monthly meeting cannot see or hear the speaker well.</i>	Consider reasonable adjustments. Designated seats near the front? Always engage the individual in discussions about solutions. Consider texting facilities e.g. www.stage-text.org
5. <i>A member has social/behavioural problems and is disruptive within a group causing offence.</i>	Refer to your complaint and disciplinary policies. Seek informal resolution.
6. <i>A member will not (cannot) contribute to a group.</i>	The consensus was this should not be a bar to group membership but engage the member positively to see what they can do.