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**NORTH WALES SHEEP DOG SOCIETY**

**DISCIPLINARY PROCEDURE (Jan. 2020)**

**1.** **Introduction: purpose and function**

1.1 The purpose of the disciplinary panel is to enforce the Society’s rules and address any matters which could bring the Society into disrepute. Notably but not exclusively rule 2

*“Competitors are expected to maintain the highest standards of conduct and behaviour at a trial and any misdemeanour or abuse will be investigated by the Trials Committee and render them liable to be reported to the NWSDS Trustees Management Committee to consider taking any disciplinary action”.*

and any other matter brought to the attention of the Trustees Management Committee relating to any member of the Society where taking disciplinary action is in the best interests of the Charity.(see 6.4).

1.2 The function of the disciplinary panel is to gather the relevant facts and determine the most appropriate course of action which may, or may not, involve disciplinary sanctions.

1.3 Nothing in these procedures precludes the Trustees dealing with cases informally if it is appropriate. It can often be the quickest and easiest solution.

**2. Procedure and time limits**

2.1 If any member of the Trustees Management Committee has any relationship or conflict of interest with the relevant person under investigation, they cannot take part in the process.

2.2 When the Trustees Management Committee considers there are reasonable grounds to investigate the conduct of a member, the Trustees Management Committee should instruct the disciplinary panel to investigate the matter further.

2.3 The disciplinary panel shall be appointed within 14 days of the decision to initiate the disciplinary procedure. Formal notice of the investigation will be given to the relevant person under investigation, together with details of the allegation. The relevant person will be sent a copy of the disciplinary procedure. The member will also be given copies of any witness statements and other evidence being relied upon.

2.4 The relevant person under investigation will have 21 days to respond to the formal notice letter and to inform the disciplinary panel if they wish to accept or challenge the allegation. The 21 day period may be extended to a maximum of 28 days upon application to the chair of the disciplinary panel.

2.5 Within this period, the relevant person may lodge a detailed written response to the allegation together with written statements from any witnesses in support of his case. The relevant person must also indicate whether he wishes to attend the hearing and be accompanied by a friend or nonlegal representative who need not be a member of the Society.

2.6 If no response is received within the specified time limit or if the relevant person indicates that he does not wish to attend, the disciplinary procedure will continue in his absence, taking into account any written statements previously received.

2.7 Once the initial 14 or 21 day period has lapsed (whichever applies), the disciplinary panel has 14 days to set a date and venue for the hearing and notify all parties involved, even if the relevant person has not responded or is not attending.

2.8 In certain circumstances the chair of the disciplinary panel has discretion to request a written statement containing full details of the allegation to be sent to disciplinary panel members prior to the hearing.

2.9 Once the hearing has taken place and the disciplinary panel has reached its decision, the chair of the panel will inform the relevant person of the outcome within 14 days of the hearing. Within the final decision letter, the relevant person will also be sent details of the appeals procedure contained in section 7 of this guidance.

2.10 Any appeal must be received within 14 days of the date of the final decision letter.

**3. Composition of the disciplinary panel**

3.1 The disciplinary panel will consist of 4 members selected from the Trustees Management Committee.

3.2 The chair is appointed from within the disciplinary panel to preside over the disciplinary

proceedings. The chair shall coordinate the hearing but has no voting powers. The

chair’s primary role is to ensure the disciplinary process is undertaken correctly and

independence is maintained.

3.3 The disciplinary panel members’ role is to consider the facts presented on the allegation and reach a decision on the appropriate outcome or sanction.

3.4 The disciplinary panel has full delegated authority to decide on the outcome or sanction without the need for the Trustees Management Committee Council approval.

3.5 If any member of the disciplinary panel has any relationship or conflict of interest with the relevant person under investigation, they cannot take part in the process.

3.6 If a member of the disciplinary panel was in any way involved in the incident surrounding the allegation, they must withdraw as panel members.

3.7 Secretarial support at the panel will be provided by the Society Secretary and Treasurer. Written confidential records of all communications and minutes of all meetings will be kept and stored in accordance with the GDPR policy of the Society.

**4. The disciplinary hearing**

4.1 The disciplinary panel chair will be responsible for ensuring the issues are explored

thoroughly and with dignity to achieve a fair outcome. This is likely to involve the gathering of evidence, interviewing witnesses, obtaining statements and the holding of investigatory meetings.

4.2 The disciplinary panel chair will ensure that the number of people present at the hearing is kept to a minimum but in most cases, it will include:

(a) the disciplinary panel chair,

(b) the 3 other members from the Trustee Management Committee,

(c) the relevant person against whom the action is being considered, and

(d) his friend or nonlegal representative.

4.3 There may, however, be circumstances in which it is appropriate to involve additional individuals for their expertise or for their first-hand knowledge of the allegation.

4.4 The hearing is held in private and all matters discussed by all participants are subject to strict confidentiality. The only information disclosed outside the hearing is a summary of the facts and findings which will be reported to the Trustees Management Committee. No identities of individuals involved will be publicly revealed unless this information is already within the public domain.

4.5 Once the hearing has commenced, the disciplinary panel chair will outline the allegation

which has been presented.

4.6 The relevant person will then be given an opportunity to respond to the allegation, provide relevant evidence and call witnesses. At this stage, it would not normally be acceptable for any additional documentary evidence to be presented to the disciplinary panel, but the chair has discretion to accept certain documentation in exceptional circumstances. If significant new evidence is produced or there is some dispute over the facts, the chair has the authority to adjourn the hearing to a future date.

4.7 Once each party has presented their case, the disciplinary panel has the ability to ask questions on the relevant aspects of the evidence and can question witnesses, if necessary. Once the disciplinary panel chair is satisfied that the evidence has been considered fully, he will draw the hearing to a close.

4.8 Immediately after the formal hearing, the disciplinary panel will consider its decision and inform the Society chair of its decisions and reasoning.

4.9 The disciplinary panel chair will then write to the relevant person with the outcome of the hearing within 14 days. The final decision letter will include the reasoning behind the outcome together with details of the relevant person’s right to appeal against any sanction.

4.10 It shall be competent at any stage in this disciplinary procedure for the member in question and the disciplinary panel by agreement to refer the matter to an independent mediator acceptable to all concerned who shall assist the panel to reach an agreed solution.

4.11 The Trustees Management Committee will be informed of the disciplinary panel’s decisions at their next meeting.

**5. Appeals process**

5.1 Should the relevant person not be satisfied with the disciplinary panel’s findings, he has the right to appeal the decision by giving written notice to the Society chair within 14 days of the date of the final decision letter. No appeal will be considered after this period has lapsed.

5.2 The Trustees Management Committee will appoint 4 other Trustees to constitute the appeal panel, one of which will act as chair. All of the appeal panel members must not have had any involvement with the first hearing or allegation in question.

5.3 The appeal hearing will be held as soon as possible, but in any event within 28 days of the appeal panel being set up. The written notification of the date and venue for the hearing will be sent to the appellant and he will have the choice of a written or oral hearing.

5.4 In the event of an oral hearing, the appellant must inform the appeals panel of any friend or nonlegal representative who may be attending.

5.5 The hearing will be held in private with the appeals panel. The appeals panel may also invite other individuals or experts as necessary on a case by case basis.

5.6 At the hearing, the appeals panel will only review all the evidence previously presented.

5.7 In reaching its recommendation, the appeals panel may either:

(a) reject the appeal and uphold the original decision,

(b) uphold the appeal and reject the original decision, or

(c) recommend an alternative outcome or sanctions (of greater or lesser severity).

5.8 After the appeal hearing, the appeals panel will inform the Trustees Management Committee of its decision.

5.9 The decision of the appeals panel will be final and the appellant will be notified of the outcome as soon as possible but in any event within 14 days of the panel’s decision.

5.10 Secretarial support at the panel will be provided by the Society Secretary and Treasurer. Written confidential records of all communications and minutes of all meetings will be kept and stored in accordance with the GDPR policy of the Society.

**6**. **Possible sanctions**

Include but not exclusively-

1. issuing a warning
2. issuing a final warning
3. suspension of membership
4. termination of membership

6.1 A written warning will set out the misconduct and the consequences of further misconduct including i.e.

(a) the changes needed

(b) what could happen if the changes are not made

(c) what could happen if there is further misconduct

(d) how long the warning will stay in place

6.2. In cases of serious misconduct the disciplinary panel does not have to give a first written warning and can instead go straight to a final warning.

6.3 Termination of membership will usually only be appropriate for gross misconduct or if there has been a written warning and a final written warning previously.

6.4 Any disciplinary panel or appeal hearing that is convened has the power to act on behalf of the Trustees (Trustees Management Committee). This includes removing a member from membership as required by the Society constitution point 9.4 (a) and (b)

*The member is removed from membership by a resolution of the Trustees that it is in the best interests of the Charity that his or her membership is terminated. A resolution to remove a member from membership may only be passed if:*

*(a) The member has been given at least twenty one days’ notice in writing of the meeting of the Trustees at which the resolution will be proposed and the reasons why it is to be proposed;*

*(b) The member or, at the option of the member, the member’s representative (who need not be a member of the Charity) has been allowed to make representations to the meeting*

**7. Definitions**

In this procedure, unless the context otherwise requires:

“Allegation” means an allegation or complaint which raises a question as to whether the

relevant person may be liable to disciplinary action.

“Appellant” means any person seeking an appeal or review

“Trustees Management Committee” means the governing body of the Society.

“The Hearing” means the disciplinary panel hearing.

“Disciplinary Panel” 4 members selected from the Trustees Management Committee

“Appeals Panel” 4 other members selected from the Trustees Management Committee

“Relevant Person” means the individual under investigation.

“Letter” means letters or emails.

“The Society” means the North Wales Sheep Dog Society.

**8. Interpretation**

In this procedure, unless the context otherwise requires:

(a) words denoting the masculine gender include the feminine;

(b) words in the singular include the plural and words in the plural include the singular; and

(c) references to “days” relate to calendar days.

**Change record**

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| **Date of change / Trustees approval** | **Changes / Comments** |
|  | To be reviewed January 2025 |
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\* based on ISDS guidelines January 2018 and Acas Code of Practice guidelines