Irish Draught Horse Society (GB)

Disciplinary procedure

Purpose

This policy is informed by the Society's Memorandum and Articles[1] which are available on the Society's website at www.idhsgb.org.uk.

The purpose of this policy is to explain the types of conduct which potentially bring a member into a breach of this policy, members' rights, the disciplinary process and possible outcomes.

The Society will not be biased against individual characteristics and beliefs; for example, those relating to age, disability, gender reassignment, marriage and civil partnership, maternity, pregnancy, race, religion or belief and sexual orientation. If a situation arises where the disciplinary process is invoked, we will ensure that all individuals are treated fairly. Any personal mitigating circumstances will be taken into account.

Confidentiality

Details of complaints and disciplinary matters will be confidential within the Council and our administrative office. The exception to this is if there is a legal requirement to share information with relevant agencies in the event of a safeguarding concern or potential criminal offence.

Conduct which may trigger the Disciplinary Procedure

Any adult member, including Society officials, who is found, after a full investigation:

- To be in breach of the Society's policies
- To have conducted themselves in a manner which is detrimental to the Society
- To have otherwise brought the Society into disrepute
- may be subject to disciplinary proceedings.

Concerns regarding members should, if at all possible, be resolved informally by discussion. If this is not possible, then the person making the report should contact the Finance and Governance Group on governance@idhsgb.org.uk and the Complaints Procedure should be followed. Full details of the Complaints Procedure are also available on our website.

The Finance and Governance Group will decide on any immediate steps required, including possible suspension without prejudice of an official or other member. The complaint will be investigated and if upheld, the group will decide whether or not the Disciplinary Procedure should be invoked.

If the Finance and Governance Group decide that disciplinary action is appropriate, they will appoint a Disciplinary Panel of three trustees (who may be the same trustees who carried out the complaint investigation), at least two of whom should have expertise in the area of the complaint. For example, investigation into a judge's conduct should have input from at least two experienced panel judges on the Disciplinary Panel.

The Disciplinary Panel will set up a meeting with the member and give them an opportunity to offer a satisfactory explanation. After hearing all the available information, the Disciplinary Panel will, within seven days of the hearing, make a written recommendation to the Finance and Governance Group regarding whether or not they believe the concern to be upheld.

The Finance and Governance group will meet with the Disciplinary Panel and make a decision regarding any action required.

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[1] *Termination of membership: Article 8 (4), Disqualification and removal of directors: Article 22, Disciplinary procedure: Article 23.*

If the concern is upheld, any penalty must be fair, proportionate and take into account any mitigating circumstances. The following options are available:

(a) Formal verbal warning

If the member's explanation is deemed to be unsatisfactory, they may receive a formal verbal warning. The topics discussed at the meeting will be confirmed in writing to the member and the verbal warning will remain on file for six months.

(b) Written warning

A written warning may be issued following a disciplinary hearing where there is a current formal verbal warning in place and there has been insufficient improvement, or there has been an incident of misconduct or poor performance which is serious enough to warrant the Society bypassing the formal verbal warning stage. A written warning will remain on file for 12 months.

(c) Final written warning

If there is still insufficient improvement in conduct, or if the member's performance is still unsatisfactory with no satisfactory explanation, the member will be issued with a final written warning. They will be advised that any further incidents may result in termination of membership. This will remain on file for 12 months.

(d) Termination of membership

Termination of membership is extremely rare and can only be decided by the Council. This requires a vote by two thirds of the total number of trustees on a resolution that it is in the best interests of the charity that the member's membership is terminated (Article 8 (4)).

(a) The member must receive at least 21 days' notice in writing of the Council meeting at which the resolution will be proposed;
(b) The member must be informed of the reasons why termination of membership is to be proposed;
(c) The member or, at the option of the member, the member's representative (who need not be a member of the charity) must be allowed to make representations to the meeting;
(d) The meeting should be at a time and location which has been agreed by all parties. It may also be held electronically.

In the meantime, the member may be suspended without prejudice pending an investigation.

Guidance for members: what happens if you are the subject of disciplinary action

- You will always be given as much information as possible regarding the allegations of misconduct. Any action will only be taken after a full investigation of the facts.
- You will receive at least clear 11 days' notice of a disciplinary hearing and 21 days' notice of any resolution to terminate membership. You have the right to be accompanied by a friend or advisor.
- A nominated trustee (not involved in the investigation) will be appointed to help you to communicate with the Finance and Governance Group and to offer support during the process.
- You have 14 days to appeal against the complaint resolution (under the Complaints Procedure, Stage 1), 11 clear days to appeal following the Disciplinary Panel's recommendation (Stage 2) and 11 clear days to appeal any decision made by the Finance and Governance Group (Stage 3).
- In relation to a vote by Council to terminate membership or remove an official from their role, there is no provision for an appeal in our current governing documents because this will be the fourth and final stage in the process.
- Complaints and Disciplinary records will be kept securely for a period of seven years. After this, they are securely destroyed.

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