

Dutch Spotted Sheep Society
Procedure For Handling Disciplinary Cases

Jan 2024

This procedure sets out the arrangements for dealing with all matters of discipline concerning breaches by members of the Dutch Spotted Sheep Society of the Rules, Articles of Association or other such Guidelines or Bye-Laws as may be in put in place by the Trustees of the Society. The procedure has three stages:

1. An initial consideration by Trustees to decide whether there is a case to answer, and if so whether it should be dealt with through this Disciplinary Procedure or whether it is a less serious matter which can be handled without a formal procedure.
2. Appointment of an ad hoc Disciplinary Committee of the Trustees to investigate the complaint or allegation and make a decision on the facts and any penalty to be imposed.
3. The right of appeal against the findings of the Disciplinary Committee to an ad hoc Appeal Committee of the Trustees.

(1) Initial Submission of complaints or allegations.

All matters raised under this procedure should normally be submitted within 15 days of the event or events concerned taking place. All matters should be submitted in writing to the Secretary of the Society. Exceptionally the Trustees may waive this 15-day limit and a record of this decision and reasons will be retained.

The officers of the Society will make whatever preliminary enquiries they see fit in order to advise the Trustees whether they believe there is a case to answer in respect of the particular complaint, and if so whether it should be progressed through the Disciplinary Procedure or by a less formal route. The matter will then be referred to the Trustees for decision.

Except in cases where the allegation relates to a matter which is the subject of criminal or other investigation by statutory authorities, the person making the allegation will be informed in writing of the Trustees decision within 15 days of receipt of the allegation. In cases where the matter is under criminal or other investigation by statutory authorities the Trustees have the power to delay the Society's proceedings until the statutory authorities have concluded their processes, and to suspend the member concerned from Society activities until its own proceedings are concluded. The member concerned will be informed in writing within 15 working days of any such decisions by the Trustees.

(2) Ad hoc Disciplinary Committee

Each case will be heard by an ad hoc Disciplinary Committee ("the Disciplinary Committee"). No Trustee may serve on a Disciplinary Committee if they have a conflict of interest or loyalty, including family relationship, personal interest or ongoing business relationship with the member who is the subject of the case or the person making the allegation where the latter is an individual member.

From the remaining number should this be reduced by any such conflict of interest or loyalty as mentioned above, three Trustees will be drawn by lot before the case is heard and will become an Appeal Committee should this be required. All other Trustees shall serve on the Disciplinary Committee.

The quorum for any meeting of the Disciplinary Committee shall be three members.

(2 a) Terms of Reference

The terms of reference of an ad hoc Disciplinary Committee shall be to receive from the Society Trustees a specific complaint or allegation regarding the conduct of a member of the Society, to investigate such allegation, to make findings of fact in relation thereto and to report such findings of fact and if thought fit, to decide on what penalties should be imposed on the member or members concerned. The Trustees will delegate its full range of powers to the Committee in relation to these matters.

(2 b) Power to Co-opt

The Disciplinary Committee shall have powers to co-opt further individuals onto the Disciplinary Committee who have special expertise to assist them with any particular investigation. Such co-opted members shall be regarded as full members of the Disciplinary Committee for the purpose of the particular allegation which they have been co-opted onto the Disciplinary Committee to investigate. Co-opted members will not have a vote.

(2 c) Provisions re Co-opted

Co-opted members of the Disciplinary Committee need not be members of the Society and shall not be members of the Trustees. If they are engaged in a professional capacity the Trustees shall have power to agree such fees and expenses to be paid to them as may be necessary.

(2 d) Appointment of Clerk

The Disciplinary Committee shall, when it considers it appropriate, appoint any person to act as clerk to the Committee for each meeting or hearing and to assist the Committee in the preparation of its reports.

(2 e) Notice of Hearings

Before any formal hearing of the evidence of an allegation by the Disciplinary Committee takes place, the Disciplinary Committee shall give the person against whom the allegation has been made a minimum of 15 days' notice of the date, time and place of the hearing and shall send them a written statement setting out full details of the allegations made against them. Any person appearing before the Disciplinary Committee shall be entitled to submit a written statement in response to the allegations, to be legally represented and/or to appear in person and to call oral evidence. If they decide not to attend, a written statement may be sent by them to the Disciplinary Committee setting out their answers to the allegations which have been made against them and the matter may be dealt with in their absence, or otherwise as the Disciplinary Committee may decide.

(2 f) Admission of Evidence

Subject to the above provisions, the Disciplinary Committee may adopt such procedures and admit such evidence as it thinks fit provided that the person against whom the allegations are made has a proper opportunity of answering them, and making such other representations to the Disciplinary Committee as they shall reasonably request.

(2 g) Sanctions available

The Disciplinary Committee may, on finding that an allegation against a member has been proved in whole or in part, impose such sanctions as it shall consider appropriate, including but without limitation:

- A written reprimand.
- Suspension of the Member for a period from entering sheep for Society shows and sales and taking part in other Society activities.
- Cancellations of registrations of the member in the Flock Book, or temporary de-registration of their sheep for a period, or disqualification of their sheep from any Society show, sale, event or activity for an unlimited period.
- The payment of a fine not exceeding £20,000.
- A financial penalty of increased registration fees.
- Mandatory flock inspection together with an associated fee per inspection.
- Expulsion of the Member from membership of the Society. Suspension of the Member from membership of the Society for a period.

(2 h) Costs

Provided always that the Disciplinary Committee may (in its absolute discretion and taking into account all the circumstances of the case) further order that any member found guilty of the allegation(s) against him or her shall be liable for the whole or such part of the costs incurred by the Society in connection with the disciplinary procedures set out above which may include not only any legal costs and expenses (including VAT and disbursements), but also the cost of any administrative and executive time spent by the Disciplinary Committee or its members or other officers of the Society in preparing for, attending and acting upon and decision of the Disciplinary Committee.

(2 i) Notification of decision

The Disciplinary Committee will produce a report on its investigation into the case, noting the findings of fact, the Committee's conclusions and its decisions on sanctions to be imposed on the person concerned. The report will be submitted for information to the board of Trustees, and within 15 days sent to the member who is subject of the report.

(3) Right of Appeal

There shall be a right of appeal against the findings of the Disciplinary Committee. Notice of such appeal must be submitted to the Secretary of the Society within 15 days of receipt of the Disciplinary Committee's report, and be accompanied by an appeal fee of £250.

(3 a) Ad hoc Appeals Committee

When an appeal is received the Trustees will convene an ad hoc Appeals Committee composed of the remaining three Trustees previously drawn by lot prior to the case being heard.

The Appeals Committee will decide how it is to be conducted but will be provided with the report of the Disciplinary Committee and other material the parties wish to submit. The Appeals Committee will have the power to uphold or overturn the Disciplinary Committee's finding of facts, to uphold or vary the penalty imposed, and to decide whether or not to refund in whole or part the appeal fee. The Trustees will delegate its full range of powers to the Committee in relation to these matters.

Having heard the appeal, the Appeals Committee will put its findings in writing to the Trustees for information, and within 15 days to the appellant.

The quorum for any meeting of the Appeals Committee shall be three members.

(3 b) Power to Co-opt

The Appeals Committee shall have powers to co-opt further individuals onto the Appeals Committee who have special expertise to assist them with any particular investigation. Such co-opted members shall be regarded as full members of the Appeals Committee for the purpose of the particular appeal which they have been co-opted onto the Appeals Committee to consider. Co-opted members will not have a vote.

(3 c) Provisions re Co-opted

Co-opted members of the Appeals Committee need not be members of the Society and shall not be members of the Trustees. If they are engaged in a professional capacity the Trustees shall have power to agree such fees and expenses to be paid to them as may be necessary.

(3 d) Appointment of Clerk

The Appeals Committee shall, when it considers it appropriate, appoint any person to act as clerk to the Committee for each meeting or hearing and to assist the Committee in the preparation of its reports.

(4) Publicity

At the conclusion of the above procedures and at the discretion of the Trustees, the Trustees may publicise to members of the Society the outcome of cases referred to the Disciplinary Committee.