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# FELL PONY SOCIETY

Company Limited by Guarantee No 3233346. Registered Charity No 1104945

# COMPLAINTS & DISCIPLINARY PROCEDURE

The FPS expects Members to abide by the letter of any rules issued by it or any of its Committees and, more importantly, to abide by the spirit in which they are intended. In addition, no Member shall behave in an offensive or abusive or unpleasant manner to any person or any pony at any FPS Show or any event.

Any member not complying with the rules or behaving in this manner or indeed acting in any way that the Council, in their opinion, considers to be detrimental to the FPS, or acting in any way that brings the FPS into disrepute may be subject to disciplinary proceedings.

Disciplinary Proceedings

Underlying the Society’s disciplinary proceedings are the rules of natural justice. In general this means that any person must be allowed adequate opportunity to present their case, including to be informed of the allegations, to prepare and present evidence, and to respond to arguments presented by the opposite side. Any hearing/consideration of the matter must be without bias and a decision maker must be impartial and make a decision based on a balanced and considered assessment of the information and evidence before him or her without favouring one party over another. Finally any decision must be based upon logical proof involving evidence which must be disclosed to all parties

# Objections & Complaints

Disciplinary proceedings will only be initiated following a written objection/complaint about a matter involving the Society and its members. This should be sent to the FPS Office by Royal Mail ‘Signed For’, ‘Special’ delivery, or email within 14 working days of the date when the incident or matter occurred or was first discovered by the complainant.

An acknowledgement will be returned within 10 working days, by letter or email. The FPS Council may at its sole discretion extend this time limit where it considers the interests of fairness so merit.

Any objection or complaint relating to a JMB Certificate should be made to that Show Secretary in accordance with the procedure set out in such rules.

# Initial investigation

Any objection/complaint so submitted shall be investigated by the Chairman or Vice-Chairman and another Council member. The person complained about, or the owner of the pony complained about shall have the opportunity to reply to the allegation within a further period of 14 working days. This reply should be sent by email or by Royal Mail ‘Signed For’, ’Special’ delivery to the FPS office and will be acknowledged within 10 working days.

If, after investigation, a objection/complaint is unsubstantiated the matter will be closed at this point. If substantiated, the objection/complaint shall be reported by those conducting the initial investigation to the Disciplinary Committee with full details of the investigation and all relevant documents.

## Disciplinary Committee

The Disciplinary Committee shall consist of the Chairman or Vice-Chairman together with a minimum of two other Council members, none of whom were involved in the initial investigation.

The Disciplinary Committee has the right to call upon other Council Members, witnesses and/or technical advisors.

The Disciplinary Committee may consider written/photographic evidence, and other electronic evidence only and conduct their business by whatever means and may adopt such procedures as they feel appropriate to the nature of the objection/complaint, provided that the person against whom the allegations are made has been given a reasonable opportunity of answering these.

Where there are a serious of objections/complaints the Disciplinary Committee will consider each in turn and should reach a separate finding on each.

# Penalties

If the objection/complaint is upheld, the Disciplinary Committee has the power to impose any combination of the following penalties:

a) take no further action

b) give a written reprimand

c) impose a fine

d) order the forfeit of prizes

e) suspend from membership for any period as decided by the Disciplinary Committee

f) suspend from entering or exhibiting at FPS Shows and FPS affiliated Shows

g) if a pony is concerned, that pony may also be banned from FPS Shows whilst under the same ownership. Proof must be provided for change of ownership

h) terminate the membership permanently

In addition, in the case of a Judge:

i) recommend to the Council demotion off the Judges' panel

j) recommend to the Council not to re-elect the Judge to the Judges' panel for any specified period.

k) to advise other relevant societies of the decision

The Secretary or other officer designated by the Council will within 21 working days of the decision of the Disciplinary Committee notify the parties to the objection/complaint, in writing, of the findings of the Disciplinary Committee and of any penalties imposed.

# Appeal

Any person against whom a penalty is imposed by the Disciplinary Committee may by notice in writing given to the Secretary within 14 working days of being notified of the Committee's decision appeal against that decision PROVIDED that they deposit with the Secretary the sum of £100. If, after investigation, the Appeal Committee shall decide in their absolute discretion that the appeal is frivolous or vexatious the deposit shall be forfeited to the FPS funds, otherwise the deposit will be returned.

Any appeal will be heard by at least 3 from a pool of respected individuals who are not on Council and have no relationship to anyone on Council.

Before a hearing of the Appeal Committee is held, the Secretary of the FPS shall give the person concerned (i.e. the person against whom the objection/complaint is made) reasonable notice of the date, time and place of the hearing.

At a hearing of the Appeal Committee a person is entitled to be heard, to call oral evidence, and to ask questions of any other person called to give oral evidence. They may be accompanied by an observer/supporter, who may take notes. The observer/supporter may not be a legal professional and may not speak. Expenses will not be paid. If he or she decides not to attend then, (in the absolute discretion of the Appeal Committee) a written statement may be sent by him or her to the Appeal Committee and the matter will be dealt with in his or her absence.

The Appeal Committee shall ensure that the hearing shall be conducted in a fair and impartial manner.

**OBJECTIONS OR COMPLAINTS INVOLVING COUNCIL OR ITS MEMBERS**

A modified procedure will apply in the case where an objection or complaint is made against Council or one of its members as follows.

## Referrals

Any complaint concerning Council or a Council member will be sent to the Referrals Committee, which shall consist of 3 individuals from a pool of respected individuals who are not on Council and have no relationship to anyone on Council. The Referrals Committee has the right to call upon Council Members, witnesses and/or technical advisors.

The Referrals Committee may consider written, photographic evidence and other electronic evidence only and conduct their business by whatever means and may adopt such procedures as they feel appropriate to the nature of the complaint, provided that the person against whom the allegations are made has been given a reasonable opportunity of answering these.

Where there are a serious of objections/complaints the Referrals Committee will consider each in turn and should reach a separate finding on each.

# Penalties

If any objection/complaint is upheld the Referrals Committee have the power to:

a) take no action

b) give a reprimand

c) impose a fine

d) order the forfeit of prizes

e) suspend from membership for any period as decided by the Referrals Committee

f) suspend from entering or exhibiting at FPS Shows and FPS affiliated shows

g) if a pony is concerned, that pony may also be banned from FPS

shows whilst under the same ownership. Proof must be provided for change of ownership

h) terminate the membership permanently

i) recommend to the Council demotion off Judges' panel

j) recommend to the Council not to re-elect the Judge to the Judges' Panel for any period.

k) recommend removal from Council for a specified period

l) to advise relevant societies of the decision

The Secretary or other officer designated by the Council will within 14 working days of the decision of the Referrals Committee notify the parties to the complaint, in writing, of the findings of the Referrals Committee and of any penalties imposed.

### Appeals by Council or its Members

Any Council or any Council member against whom a penalty is imposed by the Referrals Committee may by notice in writing given to the Secretary within 14 days of being notified of the Committee's decision appeal that decision PROVIDED that they deposit with the Secretary the sum of £100. Society funds shall not be used for this. If after investigation the Appeal Committee shall decide in their absolute discretion that the appeal is frivolous or vexatious the deposit shall be forfeited to the FPS funds, otherwise the deposit will be returned.

Any appeal will be heard by at least 3 from the previously identified pool of respected individuals who have not participated in the original decision.

Before a hearing of the Appeal Committee is held, the Secretary of the FPS shall give the person concerned (i.e. the person or persons against whom the objection/complaint is made) reasonable notice of the date, time and place of the hearing.

At a hearing of the Appeal Committee a Council member is entitled to be heard, to call oral evidence and to ask questions of any other person called to give oral evidence. They may be accompanied by an observer/supporter, who may take notes. The observer/supporter may not be a legal professional and may not speak. Expenses will not be paid. If he or she decides not to attend then, (in the absolute discretion of the Appeal Committee) a written statement may be sent by him or her to the Appeal Committee and the matter will be dealt with in his or her absence.

**RECOMMENDATIONS BY DISCIPLINARY COMMITTEES**

In addition to imposing penalties, Disciplinary committees may submit recommendations to the FPS Council in their findings. It will normally be at the discretion of Council whether to implement these. In the case of recommendations by the Referral Committee where a Council member is involved, that member shall not participate when Council takes any decision. Where an objection/complaint involves the whole of Council and the Referrals Committee makes recommendations which are not implemented. Council must refer the matter to an Appeal Committee which will have the power to compel Council to follow any particular recommendation. In these circumstances the normal time limit for an Appeal will not apply.

**PUBLICATION OF THE FINDINGS OF DISCIPLINARY, REFERRAL AND APPEAL COMMITTEES**

The full written findings of any disciplinary committee will be provided to all parties. All committees should include in their findings a brief summary of their findings which will be published as soon as possible in a Society publication.

July 2019

**All personal data will be processed by The Fell Pony Society in accordance with the General Data Protection Regulations 2018. For further information please see the link below**

[**http://www.fellponysociety.org.uk/GDPR2018.htm**](http://www.fellponysociety.org.uk/GDPR2018.htm)