



Connemara Pony Breeders' Society

*Cumann Lucht Capaillini Chonamara*

## GRIEVANCE PROTOCOL, COMPLAINTS PROCEDURES & COMPLAINTS & DISCIPLINARY PROCEDURES

### **Introduction**

The Connemara Pony Breeders' Society (hereinafter called the Society) is committed to the protection and safety of its members, its members of staff and of all those persons engaged to act on behalf of the Society.

The Society is committed to helping to resolve disputes and complaints that might arise in relation to its business and/or its members as quickly as possible.

The Society and its members endeavour to work to the highest standards in every regard. The Society considers its members to be a valuable resource in achieving its aims.

The Society, its members, employees of the Society and any persons engaged to act on behalf of the Society shall not discriminate against any other person or party in any manner whatsoever and shall not discriminate against any other person or party on grounds of gender, race, colour, class, creed, nationality, political persuasion, sexual orientation, physical or mental capacity or in any other manner that might cause offence, but shall at all times treat all other persons or parties equally.

The Society, its members, its members of staff and any persons engaged to act on behalf of the Society shall treat others with dignity and respect and shall refrain from any direct or indirect behaviour or action of bullying or harassment, including sexual harassment and physical harassment and emotional harassment, committed verbally or physically, or in print, sound, visual or social media.

The Society views complaints as an opportunity to learn and to improve for the future, as well as a chance to put things right for the person or organisation that has made the complaint.

## COMPLAINTS POLICY

### Our policy is:

- to provide a fair complaints procedure that is clear and easy to use for anyone wishing to make a complaint;
- to publicise the existence of our complaints procedure so that people know how to contact us to make a complaint;
- to establish procedures that are efficient in order that all complaints are investigated fairly and in a timely way;
- to attempt to achieve dispute resolution that is satisfactory to all parties and that promotes good relationships;
- to gather information which helps us to improve what we do.

**Definition of A Complaint:** A complaint is any expression of dissatisfaction, whether justified or not, about any aspect of the Connemara Pony Breeders Society.

**Where Complaints Come From:** Complaints may come from any person or organisation who has a legitimate interest in the Connemara Pony Breeders Society.

**Confidentiality:** Facts and information, including the identity of individuals, will be handled in a sensitive manner and in compliance with Data Protection legislation, and shall be restricted on a 'needs to know' basis.

**Responsibility:** Overall responsibility for this policy and its implementation lies with the executive officers.

**Review:** This policy is reviewed regularly and updated as required.

### Dealing with Complaints:

Whilst the Society shall attempt to assist in the fair and expeditious resolution of any grievance or dispute that might arise from time to time, and to exercise its right to introduce disciplinary measures as are deemed appropriate, such dispute resolution shall be carried out without prejudice.

Grievances or disputes in relation to matters of employment or between members of staff are not dealt with under this Protocol but are specifically dealt with under Employment Protocols and Employment Terms & Conditions.

There are FOUR STEPS to dealing with complaints:-

1. Informal Investigation.....Mediation leading to resolution
2. Formal Investigation
3. Adjudicate & Take Disciplinary Measures (where appropriate)
4. The Right of Appeal

## MEDIATION

Mediation is a voluntary method of dispute resolution which allows both parties to the dispute to agree a resolution that is mutually acceptable. It is a confidential procedure and has the advantage of offering a swift resolution at little or no cost. The majority of complaints and disputes can be resolved through mediation.

Whenever possible every effort will be made to resolve complaints and disputes to the satisfaction of all parties in an informal manner or through the Society's internal mediation services.

Dealing with issues under Formal Complaints and Disciplinary Procedures is a legalistic and potentially expensive route for all concerned and should be avoided if possible.

## 1. COMPLAINTS PROCEDURES

### STEP 1 - INFORMAL APPROACH

- 1.1 All complaints must be sent in writing, and signed, to the President of the Society at the Society's Offices and marked 'Private & Confidential'. If the complaint is against the President then it should be addressed in like manner to the Vice-President.
- 1.2 The complainant can also submit a separate letter from an independent person confirming the facts and basis of the complaint.
- 1.3 Any complaint must be received within 14 days of the complainant becoming aware of the subject of the complaint. Complaints received outside this timescale will only be investigated at the discretion of the Complaints Officer.

- 1.4 The complaint will be brought to the attention of the HR Officer who is the Complaints Officer for the Society. If the complaint is against the HR Officer or in the absence the Vice-President shall act as Complaints Officer. The Complaints Officer shall be responsible for ensuring that the correct and necessary steps are taken to resolve the complaint as quickly as possible.

### **What will happen next?**

- 1.5 The Complaints Officer will send a letter acknowledging the complaint and, if necessary, may ask for further details.
- 1.6 Following an assessment of the nature of the complaint the Complaints Officer will endeavour to resolve all the issues raised through an informal approach which might include the use of the Society's internal mediation services. If no satisfactory resolution is achieved or if, in the first instance, an informal method is deemed inappropriate the matter will be dealt with on a formal basis.
- 1.7 If, in the opinion of the Complaints Officer, there is a *prima facie* case of behaviour occurring which may have impacted on the dignity and respect of an individual, and specifically in the case of alleged sexual harassment, the complaint shall be sent directly for investigation under Formal Procedures. The executive officers may, at their sole discretion, and by a simple majority, decide to temporarily suspend a person, against whom such allegations are made, from membership of the Society or from the Council, and a person so suspended shall forfeit their rights and privileges of membership of the Society or of the Council until the matter has been fully resolved.
- 1.8 Complaints, grievances and disputes that fail to be resolved by Informal Procedures shall be referred by the Complaints Officer for investigation under Formal procedures.

### **STEP 2 - FORMAL APPROACH**

- 2.1 The President shall nominate and present names of individuals, for ratification and appointment by the Council, to serve as members of the Complaints Investigation Panel (CIP) which shall consist of up to twelve people who may, or may not, be members of the Society or of the Council, and any vacancy that might occur on the CIP shall be filled in accordance with this practice.
- (a) The President shall have the right to remove any person from the CIP at his/her sole discretion.

- (b) When it is necessary to invoke Formal Procedures to investigate a complaint, the Complaints Officer shall appoint an Investigation & Disciplinary Committee (IDC) to carry out an investigation of all the matters relating to the complaint. The Investigation & Disciplinary Committee shall consist of three persons drawn from the CIP and shall be of mixed gender representation.
- 2.2 The Complaints Officer shall act as an *ex Officio* member of the Investigation Committee but shall not be entitled to vote. He/she shall be responsible for all correspondence with the parties concerned and for the arrangements for any meetings or hearings that might take place.
- 2.3 The Complaints Officer shall inform the complainant and the person against whom the complaint has been made, in writing, that a specially convened Investigation & Disciplinary Committee will undertake an investigation of the allegations, and the two parties shall each have the right to send a written objection to not more than one person named on the Investigation Committee. A person so named shall be replaced by the Complaints Officer with another person drawn from the CIP.
- 2.4 The investigation of the complaint shall be carried out by the Investigation Committee within a reasonable timescale barring issues outside its control. The Investigation Committee will undertake all necessary investigations which shall include:
- (a) informing the person against whom the complaint has been made of the full nature of the allegations and the identity of the complainant;
  - (b) obtaining copies of any relevant documents which may be used at a Disciplinary hearing;
  - (c) obtaining copies of any relevant witness statements.
- 2.5 The person against whom allegations have been made will be invited to respond to the allegations in writing within 21 days.
- 2.6 The Investigation Committee shall be empowered to invite both parties to the complaint to attend separately to answer questions, to consider the responses from the other party and to help establish the facts of the complaint. Each party to the complaint shall be invited to submit evidence in support of their contentions including written evidence and eye-witness accounts.

- 2.7 The Relevant Member may appear before the Investigation Committee, in person, or be represented by such person as he or she may wish. The Relevant member shall be deemed to be present when he or she is represented by his or her appointee. The Investigation Committee shall give the Relevant Member, or his or her representative, a fair and reasonable opportunity of being heard before it. If the Relevant Member, or his/her appointed representative, does not attend to give evidence, then provided that the Investigation Committee is satisfied that notice was served, on the Relevant Member to attend at a meeting of the Investigation, Committee, the Committee may proceed to hear the Complaint in the absent of the Relevant Member.
- 2.8 The Hearing shall be conducted in such manner consistent with the principles of natural justice as the Chairman of the Committee conducting the Hearing may determine.
- (a) The burden of proof required by the Investigation Committee, in order to find a case of misconduct proven, shall be on the balance of probability.
- 2.9 The Investigation Committee has absolute discretion to determine whether, or not, to defer further consideration of a case against a Relevant Member if it believes there are reasonable grounds for doing so. Such grounds would include, but not be limited to, proceedings of a civil or criminal nature in a Court of Law relating to the issues identified in the complaint.
- 2.10 It shall be the duty of the Relevant Member to co-operate with the Investigation and Disciplinary Committee, and to provide such information and explanations as they may require at the Hearing.
- (a) A Relevant Member who fails to co-operate with the Complaints and Disciplinary Committee shall forfeit the right of Appeal.
- 2.11 Once the investigation has been concluded, a determination will be made by the Investigation Committee which will instruct the Complaints Officer to notify both parties in writing of its conclusions, together with the reasons for such conclusions, and any action(s) that it recommends be taken. The Investigation Committee will either:
- (a) Uphold the complaint in whole or in part which may include a determination that all or part of the matter be dealt with under the Society's disciplinary Procedures; or
- (b) Dismiss the complaint in whole or in part.

### **3. ADJUDICATION & DISCIPLINARY PROCEDURES**

#### **Disciplinary Hearing**

- 3.1 At the beginning of the Hearing, the Chairman of the Disciplinary Committee, or any person to whom he or she shall delegate such task, shall read out the Formal Complaint and invite the Relevant Member to state whether he or she admits or denies the formal complaint or any part of it.
- 3.2 The Disciplinary Hearing will be held in front of the Disciplinary Committee, and the Complaints Officer shall attend in an *ex officio* capacity but shall not take part in the proceedings and shall not be entitled to vote. At the Disciplinary hearing, the Disciplinary Committee will take the member through the allegations and the evidence that has been gathered. The member will be entitled to make a response and to present any evidence.
- 3.3 The member may ask relevant witnesses to appear at the hearing, provided they have given the Complaints Officer sufficient advance notice to arrange their attendance. The Member will be given the opportunity to respond to any information given by a witness.
- 3.4 Written statements may be introduced only if previously produced to and/or with the consent of the Disciplinary Committee.
- 3.5 The Disciplinary Committee shall afford the Relevant Member (or his or her representative) a reasonable opportunity to make a closing address to the Disciplinary Committee.
- 3.6 The Disciplinary Committee may make a finding, following the Disciplinary Hearing, that the allegations are:
  - (a) Proved, in whole or in part; or
  - (b) Unproved, in whole or in part.
- 3.7 The decision by the Disciplinary Committee and its reasons, along with any disciplinary penalty, if appropriate, will be communicated to the member within 14 days of the date of the Disciplinary hearing.

#### **4. Disciplinary Penalties**

- 4.1 If the Investigation & Disciplinary Committee finds the conduct alleged to be proved, in whole or in part, it shall impose such of the following actions as deemed appropriate given the circumstances of the case:
- (a) Take no action (only if there are strong mitigating circumstances);
  - (b) Give a reprimand or caution or other impose sanction as deemed appropriate by the Disciplinary Committee;
  - (c) Remove some or all of the entitlements of membership of the Society on a temporary basis;
  - (d) Revoke the entitlements of membership of the Society from the individual on in accordance with Article 12 of the Articles of Association and Section 146 of the Companies Act 2014, in which circumstance any membership fee shall be forfeited.
- 4.2
- (a) In addition: in the case of a judge, he or she may be removed from the panel(s) of Judges for a period of time deemed appropriate by the Disciplinary Committee.
  - (b) In addition: in the case of an Official he/she shall be prevented from officiating in any capacity at any Society show or affiliated show or event for any length of time as is deemed appropriate by the Disciplinary Committee.
- 4.3 If a Member has been found guilty by a Court of law of any animal welfare offence, the Society will take reciprocal action to that imposed by the Court. i.e. if the Court issues a warning or reprimand the Society will similarly warn or reprimand the member.
- (a) In the case of a Court banning a member from keeping/owning animals for a period of time the Society will revoke the membership of the member found guilty and ban them from membership for the full period of the ban imposed by the court. Where the period of the ban imposed by the court is less than that detailed in Article 12 (ii) of the Articles of Association of the Society then Article 12 (ii) will apply.

- 4.4 A determination of the Disciplinary Committee shall be forwarded to the President of the Society who will present it for ratification at the next meeting of the Council but not before the period of 14 days permitted for an Appeal has elapsed.
- 4.5 Ratification by the Council of a determination by the Disciplinary Committee and/or the Appeals Committee shall be by simple majority except in the case of an expulsion of a Member from the Society in which event the terms of Article 13 of the Memorandum and Articles of association shall apply.

## **5. APPEAL PROCEDURES**

- 5.1 There is no appeal against a welfare issue determined by a Court of Law.
- 5.2 If a member feels that disciplinary action taken against them is wrong or unjust then they should appeal in writing, stating the full grounds of appeal, to the Secretary of the Society within 14 days of the date on which they were informed of the decision of the Disciplinary Committee. An Appeal must be accompanied with a sum of €500 payable to the Society, refundable only where an appeal is upheld.
- 5.3 Upon receipt of an appeal and appropriate fee, the President and Vice President of the Society acting together will appoint an Appeal Committee comprising three members who may not be members of the Society and one of whom shall be a solicitor.
- (a) If either the President or the Vice-President is compromised his/her role in appointing an Appeal Committee shall be filled by the HR Officer.
- 5.4 Appeals may be dealt with by written representations or at an Appeal Hearing. The Appeal Committee will give the member written notice of the date, time and place of any Appeal Hearing. This will normally be 14 days after the written notice.
- 5.5 The Appeal Committee will consider all the evidence and make its decision which may be to:
- (a) Confirm the original decision;
- (b) Revoke the original decision; or
- (c) Substitute a different penalty. (which will not be a more serious penalty than the one imposed by the Disciplinary Committee.)

- 5.6 The decision of the Appeal Committee shall be forwarded to the President of the Society for ratification at the next meeting the Council;
- 5.7 The Complaints Officer will inform the Relevant Individual in writing of the final decision as soon as possible, usually within 14 days of the date of the Council Meeting as in 5.6 above. There will be no further right of appeal.
- 5.8 Where a decision is made to expel a member from the Society the member shall have right to appeal this decision in compliance with Article 13 (b) of the Articles of Association of the Society.
- 5.9 Any complaint made under this Policy, any and all proceedings of the Investigation and Disciplinary Committee involved in investigating and resolving it, and any outcome of such proceedings – other than a public reprimand, suspension, expulsion or other outcome that necessarily involves disclosure – shall be considered confidential.