

Disciplinary Procedure

Introduction

The Poultry Club of Great Britain (PCGB) aims to provide a pleasant and friendly environment for all members to enjoy their hobby of breeding and exhibiting poultry and eggs.

The disciplinary procedure provides a framework for dealing with instances where members are alleged not to have met the required standards of conduct expected of a PCGB member. The aim is to ensure prompt, consistent and fair treatment for all members and to assist in enabling both members and the PCGB charity to be clear about the expectations of both parties. This procedure applies to all members of the PCGB.

Misconduct is an act sufficiently serious and generally brings the PCGB Charity into disrepute, or action that is inconsistent with the behaviour expected by other members of the PCGB.

The following is a non-exhaustive list of examples of behaviours which are normally regarded as gross misconduct:

- Theft, fraud or dishonesty
- Unauthorised use or disclosure of confidential information
- Threatening behaviour, verbal abuse, acts of violence, fighting and assault
- Acts of discrimination, harassment or bullying on the grounds of sex, race, religious belief, sexual orientation, disability, age, or any other nature
- A criminal offence committed at a show which makes membership of a Charity to be untenable
- Being under the excessive influence of alcohol or illegal drugs, or being in possession of illegal drugs, whilst at an affiliated show
- Making unfounded allegations of theft, fraud, corruption or dishonesty
- Deliberately falsifying records and information
- Serious breaches of the Charity's rules, policies and procedures including health and safety
- Serious carelessness, incompetence or negligence which causes, or may cause unacceptable damage, loss or injury.

The following documents should also be considered:

- PCGB Constitution
- PCGB Show Rules
- PCGB Bullying and Harassment Policy
- PCGB Code of Conduct.

Informal procedure

It is part of the normal supervisory process that PCGB can bring to the attention of any members the standards of behaviour required and any failure to meet those standards. Cases of minor misconduct will be dealt with by the PCGB informally and without delay. The PCGB will speak to the member in private and should encourage them to conduct themselves in accordance with the required standards. The purpose of these discussions is to ensure that the member understands the nature of the concerns,

expectations of improvements in conduct and where appropriate timescales and the nature of any support available. It is advisable to confirm the outcomes of any discussions in writing to the member. The PCGB should retain any note of these informal discussions. Following a satisfactory outcome to the use of the informal procedure, the matter will be considered resolved.

However, where an issue has been discussed with a member informally and if:

- the issue has not been resolved and the problem persists
- the required improvements in conduct are not achieved
- further information becomes available during discussions which make the matter sufficiently serious

then a formal procedure may be invoked.

Formal procedure

Where the informal process has not led to improved conduct, or where the alleged misconduct is of such seriousness that the PCGB Board of Trustees considers informal action to be inappropriate, formal action may be initiated.

The PCGB member will be informed promptly of any allegation and that an investigation to establish the facts will be undertaken.

In certain circumstances, the PCGB may require membership to be temporarily suspended while the investigation is undertaken. Under no circumstances is this to be seen to be as a disciplinary measure.

An investigation of the facts will be conducted, as outlined, to determine whether there is a disciplinary case to answer. Where an investigation indicates that there may have been an act of misconduct the member may be required to attend a formal disciplinary hearing at which he/she shall be given the opportunity to respond and state his/her case.

Investigation

Before a disciplinary hearing is convened there will always be an investigation into the circumstances of the alleged misconduct. The purpose of the investigation is to:

- establish the nature of the allegations
- gather evidence to enable a decision to be taken on whether there is a disciplinary case to answer
- consider if the matter should proceed to a formal hearing.

The investigation must be concluded as soon as reasonably possible whilst allowing sufficient time to interview relevant parties. The member will be kept informed if there is any unexpected delay in the process.

The PCGB Governance Committee will appoint three Trustees who are not immediately involved in the case to investigate the facts of the situation. The PCGB General Secretary will assist in ensuring that the matters are handled fairly, reasonably and in compliance with current legislation and PCGB Constitution and procedures.

If there is no disagreement concerning the facts of the case because the PCGB member admits misconduct, an investigation may not be necessary before a disciplinary hearing is arranged. However, in cases where misconduct is not admitted or if there are conflicting views or evidence, further investigation will usually be appropriate before a decision is taken to proceed to a formal hearing. The investigation process should normally take no more than 21 days.

Investigatory interviews may be part of the process to establish whether disciplinary action is warranted. As part of the investigation the PCGB member who is the subject of the allegation will be asked to attend an investigatory meeting at which he/she may be accompanied.

The PCGB member has the right to be accompanied, and at any further such meetings, by a fellow member or legal representative. (A legal representative will need to provide relevant identification). Due to potential conflicts of interest, PCGB Trustees are not able to act as companions to members during a Grievance Procedure investigation. In addition, the PCGB may ask the member to select an alternative companion if there is a conflict of interest regarding their chosen companion.

The PCGB member must inform the three investigating Trustees of any facts or witnesses that he/she feels are relevant to the case. Where appropriate, witnesses will also be interviewed. The outcomes of an investigation may be:

- There is no case to answer and therefore no disciplinary action is taken
- The matter is dealt with informally, if appropriate with support and or training to resolve the matter
- Recommendation that there is a disciplinary case to answer and a disciplinary hearing should be arranged.

Disciplinary Hearing – preparation and conduct

If following an investigation there is a recommendation that there is a disciplinary case to answer, the PCGB member will normally be given ten days' notice and invited to attend a disciplinary hearing. Two PCGB Trustees who have not been involved in the case will chair the disciplinary hearing.

The PCGB member will be provided with details of the allegation(s) and an indication as to whether the alleged misconduct is considered as potentially a serious/gross misconduct case and therefore whether a sanction less than or up to exclusion from membership may be considered. The PCGB member will be invited to make any written submissions or bring forward witnesses. Prior to the hearing, any documentation that will be referred to in the hearing will be made available to the PCGB member.

The PCGB member will be given an opportunity to present his/her case and raise any issues he/she wishes to have considered. The Trustees conducting and hearing the case will be able to question those involved in the case.

The two PCGB Trustees conducting and hearing the case will consider all representations then decide if on the balance of probabilities the allegation(s) are proven and if so what level of disciplinary sanction is appropriate.

The decision will be confirmed in writing within ten days of the hearing. The correspondence shall also notify the individual member of his/her right to appeal against any sanction.

Formal levels of disciplinary sanctions

There are three levels in the formal disciplinary procedure with various sanctions dependent upon the gravity of the case and/or the on-going nature of the misconduct.

Level One - formal written warning

This is usually given if there has been either a minor breach in conduct which remains unresolved by informal action, or a first more serious breach of discipline. The disciplinary sanction of a written warning given under level one will be retained by the General Secretary, subject to satisfactory conduct and/or improvements for **twelve months** from the date the decision is confirmed.

Level Two - formal final written warning

If the PCGB member does not meet the required standard of conduct set out in level one or commits any other act of misconduct during the timescale of an existing warning, a further formal disciplinary hearing may be convened under Level Two of this procedure.

In some circumstances, where an alleged misconduct is sufficiently serious, it may be appropriate to progress straight to level two of this procedure. The disciplinary sanction of a final written warning given under Level Two will be retained by the General Secretary, subject to satisfactory conduct and or improvements for **twenty-four months** from the date the decision is confirmed.

Level Three - formal termination of membership

If allegations are raised which are so serious as to constitute gross misconduct, it will be appropriate to consider taking formal action under level three of this procedure. It may also be appropriate to move to level three if a PCGB member does not meet the required standard of conduct set out in the final written warning given under level two of this procedure, or commits any other act of misconduct during the timescale of an existing warning. If an investigation indicates that an act of further or gross misconduct may have occurred, the PCGB member will be required to attend a formal disciplinary hearing. The letter requiring attendance at the formal disciplinary hearing shall include a statement of the alleged misconduct and warn the PCGB member that one consequence of the hearing may be the termination of his/her membership with or without notice.

The two PCGB Trustees conducting and hearing case will consider all representations then decide if on the balance of probabilities the allegation(s) are proved and if so what level of disciplinary sanction, including and up to termination of membership, is appropriate. On the basis of the information presented, the PCGB Board of Trustees may decide:

- to terminate membership (without notice in the case of gross misconduct)
- that there are insufficient grounds to terminate membership under this procedure
- on the imposition, extension or renewal of a warning or final written warning issued under this procedure
- removal as a PCGB member.

The above list is not exhaustive and the outcome may vary depending on the circumstances of the case.

Appeals

PCGB members have a right of appeal against a decision under this procedure. Any appeal should be sent to the PCGB General Secretary within 14 days of the PCGB member receiving the written decision, stating the grounds for appeal.

On receipt of an appeal, the PCGB will provide a list of five unconnected fellow members who are willing to be involved with an appeal. The PCGB member must select three of these individuals to form an Appeal Panel. If the PCGB member does not select three of the five proposed members then the appeal cannot go ahead. The suggested five fellow members may consist of past Presidents, previous Chairs', retired Trustees, current Trustees or current members who the Board of Trustees believe have the necessary skills and experience to be part of the Appeal Panel. The Appeal Panel will have had no prior involvement with the case and the appeal hearing will be a review of the original decision. The PCGB General Secretary will attend the appeal meeting to make sure that the appeal hearing is fair and in accordance with PCGB policy statements, as well as making notes of the meeting, which the PCGB member will be entitled to receive a typed copy of.

At the end of the appeal hearing, the three members of the Appeal Panel will review the discussions, and conduct any further investigations if necessary. The PCGB member making the appeal will receive the written outcome of the appeal within ten days of the meeting. However, the PCGB member will be informed if there is a delay in making the decision. The decision of the Appeal Panel is final.

Review

This procedure will be reviewed periodically to ensure compliance with changes in law and equality and diversity legislation.

Adopted on: 21st May 2019

To be reviewed: May 2021