



# SUFFOLK HORSE SOCIETY

*The Breed Society of the Suffolk Horse*

[www.suffolkhorsesociety.org.uk](http://www.suffolkhorsesociety.org.uk)

Suite 8, Britannia House,  
Base Business Park, Rendlesham,  
Suffolk IP12 2TZ  
Tel: 01394 380643

Email: [sec@suffolkhorsesociety.org.uk](mailto:sec@suffolkhorsesociety.org.uk)

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## Suffolk Horse Society Procedure for Handling Disciplinary Cases

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

1. An initial consideration by the full Council 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 Council 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 Council.

### **(1) Initial Submission of complaints or allegations**

All matters raised under this procedure should normally be submitted within 30 days of the event or events concerned taking place. All matters should be submitted in writing to the Chairman of the Society. Exceptionally the Council may waive this 30 day limit and a record of this decision and reasons will be retained.

The Chairman of the Society will make whatever preliminary enquiries they see fit in order to advise the Council 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 full Council 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 Council's decision within 30 days of receipt of the allegation. In cases where the matter is under criminal or other investigation by statutory authorities the Council has 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 seven days of any such decisions by Council.

## **(2) Ad hoc Disciplinary Committee**

Each case will be heard by an ad hoc Disciplinary Committee ("the Disciplinary Committee") composed of the Chairman and Vice-Chairman of Council plus three non-office-holding members of Council drawn by lots. No member of Council 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.

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

### **(2i) Terms of Reference**

The terms of reference of an ad hoc Disciplinary Committee shall be to receive from Council 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 Council will delegate its full range of powers to the Committee in relation to these matters.

### **(2ii) 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.

### **(2iii) Provisions re Co-optees**

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

### **(2iv) 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.

### **(2v) 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 21 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.

#### **(2vi) 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.

#### **(2vii) 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 horses in Suffolk Horse Society organized events and taking part in other Society activities.
- or disqualification of their horse/s from any Society show, event, or activity for an unlimited period.
- The payment of a fine not exceeding £20,000.
- Expulsion of the Member from membership of the Society. Suspension of the Member from membership of the Society for a period.

#### **(2viii) 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.

#### **(2ix) 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 full Council, and within 14 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 Chairman of Council within 30 days of receipt of the Disciplinary Committee's report, and be accompanied by an appeal fee of £1,000.

### **(3i) Ad hoc Appeals Committee**

When an appeal is received the Council will convene an ad hoc Appeals Committee composed of the President and Treasurer of the Society plus three non office-holding members of the Council drawn by lots. No member of Council may serve on an Appeals Committee if they have served on the Disciplinary Committee which heard the case, or have a conflict of interest or loyalty, including family relationship, personal interest or ongoing business relationship with the appellant or the complainant where the latter is an individual member.

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 Council 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 Council for information, and within 14 days to the appellant.

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

### **(4) Publicity**

At the conclusion of the above procedures the Council will publicise to members of the Society the outcome of all cases referred to the Disciplinary Committee.