HIGHLAND PONY SOCIETY

COMPLAINTS AND DISCIPLINARY PROCEDURE

1. Purpose

1.1 The Highland Pony Society ("the Society") is committed to maintaining appropriate standards of conduct, integrity, fairness and accountability in the exercise of its functions and in activities undertaken under its authority.

1.2 The purpose of this Procedure is to provide a clear and consistent framework for:

a) receiving and determining complaints concerning the Society or matters within its jurisdiction;

b) investigating alleged breaches of the Society's rules, policies or standards of conduct;

c) dealing appropriately with complaints made by the Society itself;

d) providing a fair and proportionate means of reviewing decisions where there are proper grounds for appeal; and

e) ensuring that complaints are dealt with efficiently while preventing the complaints process from being used to repeatedly challenge matters that have already been properly determined.

2. Scope

2.1 This Procedure applies to any complaint or alleged misconduct arising from, or connected with, the exercise of the Society's functions, authority, responsibilities or activities undertaken under or on behalf of the Society.

2.2 It applies whether the matter concerns:

a) the Society itself;

b) a decision, action or omission of the Society;

c) the conduct of a Council member, officer, committee member, employee, volunteer, judge, assessor, steward, representative or other person acting in an official capacity for or on behalf of the Society; or

d) the conduct of a member or other person where that conduct falls within the Society's rules or jurisdiction.

2.3 The Procedure applies irrespective of the particular function or activity from which the complaint arises. It may therefore apply to matters concerning, amongst other

things, Society governance and administration, membership, registration and stud book matters, judging and assessment, Society events and shows, appointments or accreditation, communications, or conduct occurring in connection with Society activities.

2.4 The examples in paragraph 2.3 are illustrative only and do not limit the scope of this Procedure.

2.5 The Society may itself be the complainant where information comes to its attention indicating that a person may have:

a) breached the Society's rules, policies, regulations or standards;

b) acted in a manner inconsistent with an appointment or responsibility held under the Society;

c) engaged in conduct which may bring the Society, the Highland Pony breed or Society activities into disrepute; or

d) otherwise acted in circumstances in which the Society considers that formal action may be necessary to protect its interests, standards or reputation.

2.6 A complaint may originate from any appropriate source, including a member, non-member, Society official, judge, assessor, steward, committee, Council or third party.

2.7 This Procedure does not apply to:

a) private disputes between individuals which do not concern the Society or fall within its jurisdiction;

b) matters for which a specific statutory, regulatory or legal process applies, where that process takes precedence;

c) matters which are expressly subject to a separate Society procedure, except where that procedure refers the matter to this Procedure; or

d) a challenge to the merits of a judging or assessment decision merely because the person concerned disagrees with the decision, unless a specific procedural or rule-based ground exists under this Procedure.

e) matters at shows that are covered under the show's own rules.

2.8 Where there is uncertainty as to whether a matter falls within this Procedure or another Society procedure, the President shall determine the appropriate route.

3. Definitions

3.1 For the purposes of this Procedure:

"Complaint" means an expression of dissatisfaction concerning a decision, action, omission, service or conduct falling within the Society's jurisdiction and which requires consideration under this Procedure.

“Complainant” means the person or body making a complaint. Where the Society initiates proceedings under paragraph 2.5, the Society shall be the complainant.

“Respondent” means the person or body whose decision, action, omission or conduct is the subject of a complaint.

“Investigator” means the person appointed to investigate a formal complaint.

“Appeal” means a request for review of a decision made under this Procedure on one or more of the limited grounds set out in Section 10.

“President” means the President of the Highland Pony Society or, where the President is unavailable or conflicted, a person appointed in accordance with paragraph 5.4.

4. General Principles

4.1 Complaints shall be dealt with:

a) fairly and impartially;

b) proportionately to the nature and seriousness of the matter;

c) without unreasonable delay;

d) on the basis of relevant evidence;

e) with appropriate confidentiality; and

f) in accordance with the Society’s rules and policies.

4.2 A person who is the subject of a complaint shall be informed of the substance of the allegations and given a reasonable opportunity to respond before a finding is made.

4.3 No person shall investigate or determine a complaint where they have an actual conflict of interest or where there is a reasonable perception that their impartiality may be compromised.

4.4 The existence of a complaint does not of itself imply that any person has acted improperly.

4.5 The Society may take appropriate interim action where necessary to protect the Society, its members, an event, an investigation or the welfare of persons or ponies. Any such action shall be proportionate and shall not constitute a finding that the complaint is upheld.

5. Receipt and Initial Consideration of Complaints

5.1 Complaints should normally be made in writing to the Society Office and must contain sufficient information to enable the Society to understand:

a) the nature of the complaint;

b) the circumstances giving rise to it;

c) the relevant date or dates;

d) the Society rule, policy, decision, action, omission or conduct concerned, where applicable; and

e) any supporting evidence reasonably available to the complainant.

5.2 Supporting evidence should normally be submitted with the complaint.

5.3 A complaint should normally be received within **21 days** of the complainant becoming aware of the matter giving rise to the complaint.

5.4 The President may, at their discretion, permit a complaint received outside the 21-day period to proceed where there is a reasonable explanation for the delay or where the circumstances make it appropriate to do so.

5.5 The Society may request further information where necessary before determining whether a complaint should proceed.

5.6 The Society may decline to progress a complaint where it:

a) is outside the Society's jurisdiction;

b) is submitted outside the applicable time limit without sufficient justification;

c) is unsupported by sufficient information to identify a matter requiring investigation;

d) is substantially the same as a matter previously determined and contains no material new information;

e) is frivolous, vexatious or manifestly without merit; or

f) is more appropriately dealt with under another Society procedure.

6. Admissibility

6.1 The President shall have responsibility for determining whether a complaint is admissible under this Procedure.

6.2 The President may:

a) admit the complaint for investigation;

b) request further information before determining admissibility;

c) determine that the matter should be dealt with under another Society procedure;

d) decline to admit the complaint; or

e) take such other procedural action as is reasonably necessary to ensure that the matter is dealt with appropriately.

6.3 In determining admissibility, the President is not required to determine whether the complaint is substantiated. The purpose of the admissibility stage is to determine whether there is a proper matter for investigation under this Procedure.

6.4 The President may decline to admit a complaint where, having considered the information provided, there is no sufficient basis for concluding that further investigation is warranted.

6.5 The President's decision on admissibility shall be final and shall not itself be subject to appeal.

6.6 The President shall not exercise the powers under this Section where they have an actual or perceived conflict of interest in the matter. In such circumstances, the Vice-President shall undertake the relevant function, unless the Vice-President is also conflicted, in which case Council shall appoint an appropriate person who has had no prior involvement in the matter.

7. Investigation

7.1 Where a complaint is admitted, the President shall appoint an Investigator or Investigators who have had no prior involvement in the matter and who are appropriately independent of the complainant and respondent.

7.2 The Investigator(s)shall determine the appropriate method of investigation having regard to the nature and seriousness of the complaint.

7.3 The investigation may include:

a) consideration of written evidence;

b) requests for further information;

c) obtaining statements from relevant persons;

d) interviews or meetings where appropriate;

e) examination of relevant Society records, rules or policies; and

f) any other reasonable steps necessary to establish the relevant facts.

7.4 The Investigator(s) shall give the Respondent sufficient information about the substance of the complaint to enable them to respond fairly.

7.5 The Respondent shall normally be given a reasonable period in which to provide a response.

7.6 The Investigator(s) shall prepare a written report setting out:

a) the matters investigated;

b) the relevant evidence considered;

c) the findings of fact;

d) whether the complaint is upheld, partially upheld or not upheld; and

e) any recommendations arising from the investigation.

7.7 The Investigator(s) shall not impose sanctions unless expressly authorised to do so under the Society's rules.

8. Determination of Complaints

8.1 Following completion of the investigation, the President shall determine the appropriate outcome, unless:

a) the matter concerns a decision of Council;

b) the matter concerns the President or another person who would otherwise be responsible for the determination; or

c) the President considers that the matter should be referred to an independent panel.

8.2 Where the complaint concerns a decision of Council or the application of a Council policy, the matter shall be referred to an **Independent Complaints Panel** appointed in accordance with Section 9.

8.3 The person determining the complaint shall consider the Investigator's report and any relevant representations before reaching a decision.

8.4 The possible findings are:

a) **Upheld** – the complaint is substantiated in whole;

b) **Partially upheld** – some material elements of the complaint are substantiated; or

c) **Not upheld** – the complaint has not been substantiated on the evidence available.

8.5 The outcome shall be communicated in writing to the complainant and, where appropriate, the Respondent.

8.6 The Society is not required to disclose confidential information concerning another person, or information which it is not lawful or appropriate to disclose.

9. Independent Complaints Panel

9.1 An Independent Complaints Panel shall be used where the complaint:

a) concerns a decision of Council;

b) concerns the application or interpretation of a Council policy where Council itself was responsible for the decision;

c) concerns the conduct of the President, or another person whose involvement would otherwise compromise independence; or

d) is referred to an Independent Complaints Panel by the President because independent determination is considered necessary.

9.2 The Panel shall comprise persons who:

a) have had no prior involvement in the complaint;

b) have no actual or perceived conflict of interest;

c) are sufficiently independent of the parties involved; and

d) have the appropriate experience or understanding to determine the matter fairly.

9.3 Council may establish a pool of suitably qualified persons from whom Panels may be appointed. Appointments should, wherever practicable, be staggered to maintain continuity and independence.

9.4 The Panel shall determine the complaint on the evidence before it and shall have the same powers in relation to findings and recommendations as the person otherwise responsible for determining the complaint.

9.5 A Panel decision shall be final subject only to the appeal provisions of Section 10.

10. Appeals

10.1 An appeal is not a further opportunity to re-argue the original complaint. It is a limited review of the decision-making process or outcome.

10.2 An appeal may only be made by a person directly affected by the decision and must be submitted in writing within **14 days** of the date on which the decision was communicated.

10.3 An appeal will only be admissible where the appellant demonstrates one or more of the following grounds:

a) **Material procedural error** – a significant failure to follow this Procedure or another applicable Society rule or policy which could reasonably have affected the outcome;

b) **Material error in the application or interpretation of a Society rule or policy** – where the decision was based on a demonstrably incorrect interpretation or application which could reasonably have affected the outcome;

c) **Material new evidence** – evidence which was not reasonably available at the time of the original investigation and which could reasonably have affected the outcome; or

d) **Materially unreasonable decision** – a decision which, having regard to the evidence available and the applicable rules or policies, was one which no reasonable decision-maker properly applying those rules or policies could have reached.

10.4 The following are not, of themselves, grounds for appeal:

a) disagreement with the decision;

b) disagreement with the weight given to evidence where the evidence was properly considered;

c) dissatisfaction with a judging or assessment decision based solely on its merits;

d) repetition of arguments already considered;

e) evidence which could reasonably have been submitted during the original investigation;

f) disagreement with the Society's rules or policies themselves; or

g) dissatisfaction with the outcome without evidence of one of the grounds in paragraph 10.3.

10.5 All appeals shall first be submitted to the President for an **admissibility determination**.

10.6 The President may:

a) reject the appeal as inadmissible;

b) request further information necessary to determine admissibility; or

c) admit the appeal for determination.

10.7 The President shall not determine the substance of the appeal at the admissibility stage.

10.8 An appeal shall not proceed to an Appeals Panel unless it has first been admitted by the President.

10.9 Where the President is conflicted, the provisions of paragraph 6.6 shall apply.

10.10 Where an appeal is admitted, it shall be determined by an Appeals Panel consisting of persons who have had no prior involvement in the matter and who have no actual or perceived conflict of interest.

10.11 The Appeals Panel may:

a) uphold the original decision;

b) vary the original decision where it has the authority to do so;

c) set aside the original decision; or

d) remit the matter for reconsideration in accordance with specified directions.

10.12 An Appeals Panel shall not normally conduct a complete rehearing of the original complaint. It shall consider only the grounds on which the appeal was admitted, together with any evidence properly relevant to those grounds.

10.13 There shall be **one appeal only** under this Procedure.

10.14 The decision of the Appeals Panel shall be final within the Society's internal procedures.

11. Society as Complainant

11.1 The Society may become the complainant where information comes to its attention which indicates that formal action may be warranted.

11.2 The Society may initiate a complaint notwithstanding that no individual member or other person has submitted a complaint.

11.3 Where the Society is the complainant, the complaint shall be brought on behalf of the Society by a person nominated by Council who has had no prior involvement in the matter and who is not conflicted.

11.4 The President shall not act as the Society's complainant where they are responsible for determining admissibility or otherwise determining the complaint.

11.5 A Society-initiated complaint shall be investigated and determined in accordance with the same principles of fairness and natural justice that apply to any other complaint.

11.6 Where a Society-initiated complaint concerns an alleged breach of Society rules or standards of conduct, the matter may result in disciplinary action or sanctions in accordance with Section 12.

12. Disciplinary Action and Sanctions

12.1 Where an investigation establishes a breach of the Society's rules, policies, standards of conduct or other requirements within its jurisdiction, the matter may be referred for disciplinary action.

12.2 The sanctions available to the Society shall be those authorised by the Society's governing documents, rules or applicable procedures.

12.3 Depending upon the circumstances, sanctions may include:

a) a formal warning or reprimand;

b) a requirement to comply with specified conditions;

c) suspension of specified Society privileges;

d) suspension of membership, where authorised;

e) removal from a Society appointment, panel or list;

f) withdrawal or suspension of an accreditation, approval or appointment;

g) disqualification from specified Society activities;

h) referral to another Society disciplinary process; or

i) any other sanction expressly authorised by the Society's rules.

12.4 Sanctions shall be proportionate to the seriousness of the breach and shall take account of relevant circumstances.

12.5 A complaint under this Procedure shall not automatically result in a sanction.

12.6 Where the nature or seriousness of the matter warrants disciplinary action beyond the powers available under this Procedure, the matter shall be referred to the appropriate Society disciplinary process.

13. Conflicts of Interest

13.1 Any person involved in receiving, investigating, determining or hearing a complaint must declare any actual, potential or perceived conflict of interest as soon as it becomes apparent.

13.2 The President shall determine whether the person should withdraw from the matter and, where appropriate, appoint a replacement.

13.3 Where the President has a conflict, paragraph 6.6 shall apply.

13.4 The existence of a previous professional, Society or personal association shall not automatically constitute a conflict. The relevant consideration is whether there is a reasonable basis for questioning the person's ability to act impartially.

14. Timescales

14.1 The Society shall aim to acknowledge receipt of a complaint within **reasonable timescales**.

14.2 The Society shall aim to complete the investigation and issue a final response within **8 weeks** of receipt of a complete formal complaint.

14.3 Where it is not possible to provide a final response within 8 weeks, the complainant shall be informed of the reason for the delay and provided with a holding response explaining when a substantive response is expected.

14.4 Where an appeal is admitted, the Society shall aim to determine the appeal within **4 weeks** of its admission.

14.5 The President may extend any timescale where this is reasonably necessary because of the complexity of the matter, the availability of relevant persons, conflicts of interest, the need for additional evidence or other exceptional circumstances.

14.6 Where a timescale is extended, the relevant parties shall be informed where appropriate.

15. Confidentiality and Data Protection

15.1 Complaints shall be handled confidentially and information shall be shared only with persons who reasonably require it for the purpose of dealing with the matter.

15.2 Confidentiality does not prevent the Society from sharing information where necessary to investigate or determine a complaint, comply with a legal obligation, protect the interests of the Society or comply with its governing requirements.

15.3 The Society shall process personal information in accordance with applicable data protection legislation and its Privacy Policy.

16. Unreasonable, Vexatious or Repeated Complaints

16.1 The Society is entitled to take proportionate steps where a complainant's conduct makes the proper administration of the complaints process unnecessarily difficult or where a matter is repeatedly raised after it has been properly determined.

16.2 Examples may include:

a) repeated complaints about the same matter without material new information;

b) repeated attempts to reopen a matter following exhaustion of the Society's procedures;

c) unreasonable demands on Society resources;

d) abusive, threatening or offensive communications;

e) refusal to comply with reasonable procedural requirements; or

f) complaints pursued primarily to harass, intimidate or disrupt.

16.3 The Society may, where appropriate:

a) require future communications to be made through a specified channel;

b) limit the frequency or method of communication;

c) decline to respond to further correspondence concerning a matter that has been fully determined; or

d) take such other proportionate action as is reasonably necessary.

16.4 A determination that a complainant's behaviour is unreasonable or vexatious shall not, of itself, prevent the Society from considering a new and substantive complaint.

17. Complaints Concerning Council Decisions

17.1 A complaint concerning a decision made by Council shall not be treated as an opportunity for Council simply to reconsider the same decision.

17.2 The complaint shall first be considered for admissibility by the President.

17.3 Where admitted, the matter shall be investigated independently and determined by an Independent Complaints Panel.

17.4 A complaint about the merits of a properly made Council decision will not normally be upheld merely because the complainant would have preferred a different decision.

17.5 Where the complaint alleges a material procedural error, failure to follow a Society rule or policy, conflict of interest, material misapplication of a rule or policy, or other substantive governance failing, it may be investigated under this Procedure.

17.6 Nothing in this Procedure prevents Council from voluntarily reviewing or reconsidering its own decision where it considers this to be in the interests of the Society.

18. Records, Monitoring and Governance

18.1 The Society shall maintain an appropriate records of formal complaints, including:

a) the date received;

b) the nature of the complaint;

c) the person or body responsible for handling it;

d) the outcome;

e) any sanctions or remedial action; and

f) the date of closure.

18.2 Council shall receive appropriate periodic reporting on complaints and their outcomes.

18.3 Reporting to Council shall be undertaken in a manner that protects confidential and personal information.

18.4 The Society shall use complaints information, where appropriate, to identify recurring issues, improve procedures, inform training and strengthen governance.

19. Finality and External Rights

19.1 Subject to the appeal provisions of this Procedure, decisions made under this Procedure shall be final within the Society's internal processes.

19.2 Nothing in this Procedure is intended to prevent a person from exercising any legal or statutory right available to them.

20. Review of Procedure

20.1 This Procedure shall be reviewed by Council at least every three years, or sooner where changes in legislation, governance requirements or Society operations make a review appropriate.

20.2 Council may amend this Procedure from time to time in accordance with the Society's governing documents.

Appendix 1 – Summary of the Complaints Process

Complaint received

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Presidential admissibility assessment

- Within scope?
- Within time?
- Sufficient information?
- Appropriate Society procedure?
- Any reason not to proceed?

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If admissible → Independent Investigator(s) appointed

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Investigation

- Evidence gathered
- Respondent given opportunity to respond
- Findings established

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Determination

- Upheld
- Partially upheld
- Not upheld

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Where appropriate → Remedial action / disciplinary action / sanction

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Appeal

Only on strict grounds:

- Material procedural error
- Material error in application/interpretation of Society rules or policy
- Material new evidence
- Materially unreasonable decision

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Presidential admissibility gate

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Appeals Panel, if admitted

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Final internal decision