

Code of Conduct and Disciplinary Procedures of the Lleyn Sheep Society Ltd.

affiliated to

The Welsh Agricultural Organisation Society Ltd.

September 2021

CODE OF CONDUCT

The Society expects its Members to:

- (1) Display high ethical standards and at all times act in the best interests of the Society, and not to take any deliberate action to bring the Society into disrepute.
- (2) Adhere to animal health and welfare standards set by DEFRA (or equivalent body) from time to time.
- (3) Conform to other procedures required by DEFRA (or equivalent body), re: for example, identification of stock, movement of stock etc, as published from time to time.
- (4) Record accurately the information required by the Society for registration of sheep as published from time to time by the Society.
- (4) Register with the Society only those sheep that meet the pedigree requirements of the Society and the Breed Characteristics published from time to time by the Society.
- (5) Identify individual sheep registered with the Society in the manner specified from time to time by the Society.

(6) Comply with the Sale Rules as published from time to time by the Society (see: www.lleynsheep.com)

(7). Give information in writing to the Society's Secretary without delay of every case of alleged misrepresentation or inaccuracy in the particulars furnished by any Society Member with reference to the pedigree or identity of any animal, and to assist the Officers of the Society to investigate any such case.

The Society may add to the above any such definitions under this heading as Council may resolve from time to time.

DISCIPLINARY PROCEDURES

The conduct expected of members is governed by the Code of Conduct set out above. Alleged breaches of the Code may prove to be founded in fact and deserving of sanction, so each must be investigated by the Society's Council. The principles of the investigation, and any subsequent disciplinary enquiry, are that:

- no one is considered in breach of the code until so found;
- any enquiry will be informal and fair,
- if a member is found to be in breach of the Code in the reasonable opinion of Council, such breach shall attract sanctions commensurate with the seriousness of the offence.

(a) Preliminary Investigation

The first stage, on receipt of an allegation (the complaint), is a preliminary investigation to determine whether there is a case to answer. Such an investigation should normally be completed within 3 months of the allegation.

Such investigation will be conducted by the Preliminary Investigation Committee (PIC), on behalf of Council, comprising a standing Chairman appointed by Council from among its members (who shall chair all investigation meetings during his two year period of office) and up to two others from Council selected on a case-by-case basis by the Chairman. The PIC shall be serviced by the Society's Secretary.

The Secretary, on receipt of a complaint, shall inform the Chairman of the PIC and the person complained about (the Defendant) in writing. The Defendant will also receive a copy of the Society Rules, Code of Conduct and Disciplinary Procedure. The Chairman shall seek what elaboration, evidence, and answers he considers necessary.

When enough information is available, the Chairman shall convene a meeting of the PIC to consider the complaint and the supporting information. Normally, the Defendant would not attend, although the Chairman may exercise discretion to the contrary.

A finding of 'no case to answer' would dismiss the complaint, and the Defendant would be so informed in writing. However, a record will be maintained (consistent with the Data Protection Act 2018) for audit purposes.

A finding of 'case to answer' would require a recommendation to Council that the Disciplinary Procedure be activated.

All workings of the PIC will be held strictly confidential to the PIC and Council.

(b) Disciplinary Investigation

A Disciplinary Committee (DC) shall be appointed. It will be composed of five members of the Society, who shall not be members of Council at any time that they are members of the DC. Members of the DC shall be elected by the Society at its Annual General Meeting. Appointment will initially be for one year, but members will be eligible for re-election. One member of the DC shall be appointed, by the DC, as Chairman. He shall chair all meetings during his period of office. A quorum for any meeting of the DC shall be three members. The DC shall be serviced by the Society's Secretary.

If the Defendant should be a member of the DC, he should not serve on the DC while the case is being considered.

The DC shall have delegated authority from the Society's Council to examine the complaint, and to decide its justification, but only to recommend appropriate sanctions if it finds the complaint justified. Such an Investigation should normally be completed within 3 months of instruction by Council.

The DC shall gather information relevant to the complaint primarily, but not necessarily exclusively, by an inspection of the Defendant's Flock and the records of the Defendant.

When enough information is available, the DC will consider the complaint. The Defendant has the right to attend a meeting of the DC, with or without legal representation, and to present his case in person, or to submit evidence in writing.

At the conclusion of the investigation, the DC decides, and reports, its decision on the justification or not of the complaint, and makes its recommendation to Council.

If the complaint is admitted, the only steps are to hear mitigation and to decide the recommended penalty.

The Society's Secretary will inform the parties (the Defendant and Council) accordingly in writing and notify the Defendant of a right to appeal. Penalties may include but not be limited to:

- written reprimand;
- an appropriate fine;
- suspension of the Member for a period from entering sheep for Society sales and shows, held under the auspices of the Society, and taking part in other Society sponsored activities;
- cancellation of registrations of sheep belonging to the Member;
- suspension of the Member from membership of the Society for a fixed period;
- expulsion of the Member from membership of the Society;
- other.

Proposed penalties will be in the form of recommendations to Council.

It may be appropriate that a repeat inspection of the Defendant's Flock and/or records may be required either before penalties are confirmed or before suspended membership can be resumed.

All workings of the DC will be held strictly confidential to the DC and Council.

(c) Consideration by Council

Council shall receive the report of the DC on its investigation into the allegations of misconduct, shall note the DC's findings of fact and consider the recommendations concerning penalties, if any, that should be imposed on the Member concerned.

The Member who is the subject of such report shall be given copies of the report and reasonable notice of the meeting of Council at which such report is to be considered. He shall have the opportunity to attend such meeting, with or without legal representation, and to make any plea in mitigation.

No new evidence shall be admitted at the Council meeting which considers the report of the DC into the complaint against the Member.

Council shall not be bound, in any way, by the DC's recommendations on penalties, but shall be required to give reasons for any different

penalty from that recommended which it decides to impose on the Member.

In case any Member of the Society, following a Disciplinary Procedure against him, shall be expelled or suspended from membership of the Society or reprimanded or fined, or subject to any other penalty, written notice of such event shall forthwith be sent by the Society's Secretary to such Member by registered post.

A record will be maintained (consistent with the Data Protection Act 2018) of the investigation and the penalties for audit purposes.

All considerations of the case by Council shall be held strictly confidential.

(d) Appeal

If leave to appeal is sought from Council, it must so be done within Twenty-Eight days of the publication of the decision of Council.

If leave to appeal has been sought, Council shall instruct the Society's Secretary to pass all relevant documentation to the British Institute of Agricultural Consultants (BIAC- www.biac.co.uk) for consideration.

The decision of the Appeal Procedure shall be communicated to Council and to the Defendant by the Society's Secretary. A record will be maintained (consistent with the Data Protection Act 2018) of the appeal and the decision for audit purposes.

All considerations of the appeal shall be held strictly confidential.

d) Liability

None of the Society, its staff members or agents, nor members of the Council or any DC, shall be liable to any Member, ex-Member or any other third party for any liability, costs, expenses, damages or losses suffered by such Member, ex-Member or third party arising out of or in connection with any Council issued sanction, any Preliminary Investigation, Disciplinary Investigation or Appeal Procedure conducted following a Disciplinary Investigation.

ROLE OF BRITISH INSTITUTE OF AGRICULTURAL CONSULTANTS IN APPEAL

The British Institute of Agricultural Consultants' role in an Appeal Tribunal is to co-ordinate all arrangements regarding the Appeal. It may be necessary for a representative of BIAC to be present at the Tribunal in an administrative capacity but that representative would not participate in the deliberations of the Appeal.

The parties by agreeing to appoint the Appeal tribunal accept that it is the final arbitrator of the dispute between the parties and that the Tribunal's decision shall be final and binding upon those parties to the Appeal.

Neither the BIAC nor its servants or agents nor the members of any Appeal Tribunal shall be liable to any party for any act, omission or misconduct in connection with any appointment made or any appeal conducted under this procedure.

(1) Instigating the Appeal Procedure

A party wishing to use the Appeal procedure must notify the BIAC in writing of the matter(s) which give rise to the Appeal. The BIAC in its absolute discretion will consider whether the matters raised are items that the Appeal Tribunal can properly consider and if it does then notification should be given to the Society informing that Society of the complaints so that it can be aware of the matters to which it must address its response.

(2) Appeal Tribunal

(a) The Appeal Tribunal shall consist of:

1. an independent legally qualified chairman;
2. two members of NSA affiliated breed societies who have no connection with the Society involved in the appeal.

(b) The appeal shall be conducted in accordance with the principles of natural justice but subject thereto the conduct and procedure of the appeal shall be in such manner and form as the independent legally qualified chairman shall in his absolute discretion decide. The proceedings will be conducted on a relatively informal basis, without evidence being given on oath and the order of presentation of evidence will be decided upon at the Appeal Hearing. The idea is to keep it informal but fair.

(c) If the Appeal Tribunal shall decide the appeal in favour of the Appellant the Society shall revoke all penalties imposed by Council forthwith, including readmission of the Appellant to membership of the Society.

(d) The Tribunal has the power to decide which party shall pay the costs of the Tribunal and to reimburse some or all the deposit paid to the successful party.

(3) Arrangements regarding the Appeal Tribunal

(a) Date and Time:

BIAC will liaise with the independent legally qualified chairman and two other members regarding possible dates for the Tribunal to be held.

These dates to be offered to the Appellant and the Society and a mutually convenient date and time agreed.

Not less than six weeks' notice of the date of the Tribunal will be given and the parties will be expected to send to the BIAC, not less than four weeks before the hearing date, all documentation upon which they seek to rely. See paragraph 3 (d) below.

(b) Location for hearing:

The location will be determined by BIAC. (See paragraph 3(a) above.)

(c) Both parties to attend the Tribunal

In the event of non-attendance by one party or both parties the Tribunal will make such decision as is appropriate based on the information given to them.

(d) Background requirements and information:

It is hoped that the Appeal tribunal would be able to arrive at its decision in one day – therefore it is necessary for all relevant correspondence and information to be available beforehand.

- All relevant information, including statement of case from each party, and any witness statements to be relied upon to be sent to BIAC, Portbury House, Sheepway, North Somerset, BS20 7TE no later than four weeks before date of the Tribunal.
- This will be forwarded to members of the appeal tribunal and to the other party.

(4) Costs regarding the Appeal Tribunal

Not more than £3000.00 per day, to include all expenses regarding the Tribunal:

Attendance and travelling expenses incurred by the legally qualified chairman and two members from the other breed societies.

Attendance and travelling expenses incurred by the Society.

Attendance and travelling expenses incurred by the Appellant.

Meeting room and refreshments.

Administrative costs incurred by BIAC, the legally qualified chairman and the other two members.

(5) Payment of costs regarding Appeal Tribunal

a. Before:

Each party must deposit the sum of £3000.00 with BIAC 28 days prior to the hearing to cover the Tribunal's costs. The money will be placed in a separate interest earning account.

b. After:

Refund of the deposits will be in the discretion of the Tribunal, but the cost of the Tribunal will not exceed £3000.00. Accrued interest to be paid to each party.

Expenses to members of the Appeal Tribunal to be paid within 10 working days.

(6) Costs incurred by Appellant and Breed Society

a. £3000.00 deposited with BIAC – possibly refundable. (5a & b refers).

b. Appellant and the Society – (2 d refers).

Once date of Appeal agreed:

(7) Minimum of 6 weeks' notice to be given to all parties (3a refers)

BIAC to confirm date/time/venue of Appeal in writing to:

- The independent legally qualified chairman.
- The independent breed society members.
- The Appellant.
- The Society.

(8) Information

BIAC to request all relevant information from the Appellant and from the Society to be received at BIAC, Portbury House, Sheepway, Portbury, North Somerset, BS20 7TE no later than 28 days prior to the hearing (paragraph 3d refers).

'Relevant information' from each party to include:

- Statement of case;
- Relevant correspondence;
- Any witness statements to be relied upon.

The Society to provide a copy of the Rules of the Society.

(9) Dissemination of information

BIAC to forward copies of information to:

- The other party;
- The independent legally qualified chairman;
- The independent breed society members.

(10) Request for deposit

BIAC to request deposit of £3000.00 from the Appellant and from the Breed Society to be received at BIAC no later than 28 days prior to the hearing (5a refers).

BIAC to place the deposits in a separate interest earning account.

(11) Record of proceedings

No record of proceedings will be made.

(12) Day of Hearing

- a. Attendance: Each party may be accompanied.

- b. Non-attendance: In the event of non-attendance by one party or both parties the Tribunal will make such decision as is appropriate based on the information given to them (paragraph 3c refers).

- c. No evidence to be given on oath (paragraph 2b refers).

- d. Broad outline of order of proceedings:

- Introduction
- Presentation of evidence followed by questions and discussion
- Both parties then leave to allow Tribunal members to discuss case
- Tribunal's conclusion

(13) Following the Hearing

The independent legally qualified chairman will write to advise the parties of the decision of the Appeal Tribunal and to advise what costs will be required from either party as appropriate.

(14) Payment of costs and expenses etc

BIAC to arrange for withdrawal of deposits and payment as directed by the Tribunal.