

## **APPENDIX D: DISCIPLINARY PROCEDURE**

### **1. BACKGROUND**

- 1.1 This procedure is intended to help maintain standards of conduct and to ensure fairness and consistency when dealing with allegations of misconduct against members.
- 1.2 This procedure applies to all members.

### **2. CONFIDENTIALITY**

- 2.1 Our aim is to deal with disciplinary matters sensitively and with due respect for the privacy of any individuals involved. All members must treat as confidential any information communicated to them in connection with an investigation or disciplinary matter.
- 2.2 You, and anyone accompanying you (including witnesses), must not make electronic recordings of any meetings or hearings conducted under this procedure.
- 2.3 You will normally be told the names of any witnesses whose evidence is relevant to disciplinary proceedings against you, unless we believe that a witness's identity should remain confidential.

### **3. INVESTIGATIONS**

- 3.1 Before any disciplinary hearing is held, the matter will be investigated. The purpose of an investigation is for us to establish a fair and balanced view of the facts relating to any disciplinary allegations against you, before deciding whether to proceed with a disciplinary hearing.
- 3.2 Any meetings and discussions as part of an investigation are solely for the purpose of fact-finding and no disciplinary action will be taken without a disciplinary hearing.
- 3.3 In some cases of alleged misconduct, we may need to suspend your membership while we carry out the investigation or disciplinary procedure (or both). While suspended, you should not take part in any organised YesCymru activities, unless authorised to do so. The suspension of a member from a role or committee, or from the organisation as a whole, must be supported by a majority of the members of the Central Committee at a duly-constituted meeting. Suspension is not considered to be a disciplinary action.

### **4. CRIMINAL ALLEGATIONS**

- 4.1 Where your conduct is the subject of a criminal investigation, charge or conviction we will investigate the facts before deciding whether to take formal disciplinary action.
- 4.2 We will not usually wait for the outcome of any prosecution before deciding what action, if any, to take. Where you are unable or have been advised not to attend a disciplinary hearing or say anything about a pending criminal matter, we may have to take a decision based on the available evidence.

### **5. THE DISCIPLINARY HEARING**

- 5.1 We will give you written notice of the disciplinary hearing, including sufficient information about the alleged misconduct and its possible consequences to enable

you to prepare. You will normally be given copies of relevant documents and witness statements.

- 5.2 You may be accompanied at the hearing by a companion.
- 5.3 You should let us know as early as possible if there are any relevant witnesses you would like to attend the hearing or any documents or other evidence you wish to be considered.
- 5.4 The hearing will be chaired by a salaried officer of YesCymru or by a member of the Central Committee. At the disciplinary hearing we will go through the allegations against you and the evidence that has been gathered. You will be able to respond and present any evidence of your own. Your companion may make representations to us and ask questions, but should not answer questions on your behalf.
- 5.5 You may ask relevant witnesses to appear at the hearing, provided you give us sufficient advance notice to arrange their attendance. You will be given the opportunity to respond to any information given by a witness.
- 5.6 We may adjourn the disciplinary hearing if we need to carry out any further investigations such as re-interviewing witnesses in the light of any new points you have raised at the hearing. You will be given a reasonable opportunity to consider any new information obtained before the hearing is reconvened.
- 5.7 A final decision will be made by the Central Committee at a duly-constituted meeting. We will inform you in writing of our decision, usually within 7 days of the hearing.
- 5.8 If a member of the Central Committee is subject to disciplinary action, they will not be able to take part in any Central Committee Meeting whilst the issue is being discussed and would need to leave the meeting.

## **6. DISCIPLINARY ACTION AND TERMINATION**

- 6.1 The usual penalties for misconduct are:
  - (a) **Stage 1: Written warning.** For minor misconduct offences and where there are no other active written warnings on your record, you may receive a first written warning. It will remain active for six months.
  - (b) **Stage 2: Termination of membership.** For gross misconduct offences or for further misconduct where there is an active written warning on your record your membership may be terminated with immediate effect. Examples of gross misconduct are given below (see para.7.1).

We may consider other sanctions short of termination, including but not limited to longer-term suspension, restrictions being placed on your membership, removal from a role or committee, extension of a written warning with a further review period and/or a final written warning.
- 6.2 In the event that your membership is terminated, we may also place a time restriction (of up to 12 months from the date of your membership being terminated) on your ability to re-apply for membership of YesCymru. We may also place specific conditions (which you must first satisfy) before you can re-apply for membership of YesCymru in future.

## **7. GROSS MISCONDUCT**

- 7.1 Gross misconduct is a serious matter and includes misconduct which, in our opinion, is likely to prejudice our organisation or reputation or irreparably damage the relationship and trust between you and YesCymru. The following is a non-exhaustive list of matters that are normally regarded as gross misconduct:
- (a) serious breach of YesCymru's rules as issued from time to time;
  - (b) bringing YesCymru into disrepute;
  - (c) serious misuse of YesCymru's name;
  - (d) serious misuse, damage, theft or fraud relating to YesCymru property;
  - (e) unlawful discrimination, victimisation or harassment whilst engaged in activities related to your membership of YesCymru;
  - (f) physical violence whilst engaged in activities related to your membership of YesCymru;
  - (g) a serious breach of health and safety rules whilst engaged in activities related to your membership of YesCymru;
  - (h) unauthorised use or disclosure of confidential information relating to YesCymru's affairs or your membership of YesCymru; or
  - (i) serious neglect of duties as an office holder of YesCymru.

## **8. APPEALS**

- 8.1 If you feel that disciplinary action taken against you is wrong or unjust you should send an appeal in writing, stating your full grounds of appeal, to [appeals@yes.cymru](mailto:appeals@yes.cymru) within 7 days of the date on which you were informed of the decision.
- 8.2 The appeal hearing will be held impartially by the Appeals Panel, none of whom shall be members of the Central Committee. You may bring a companion with you to the appeal hearing.
- 8.3 Following the appeal hearing we may:
- (a) confirm the original decision;
  - (b) revoke the original decision; or
  - (c) substitute a different penalty.
- 8.4 We will inform you in writing of our final decision as soon as possible, usually within 7 days of the appeal hearing. There is no further right of appeal.