

DISCIPLINARY POLICY OF GIBSIDE COMMUNITY FARM

Definitions

Appropriate Action is a Written Warning or a Final Written Warning or a Notice of Expulsion.

Breach of Conduct is behaviour which is in breach of the Code of Conduct.

Code of Conduct means the Code of Conduct of GCF.

Director is a director of GCF

GCF is Gibside Community Farm Community Interest Company (08787415).

Final Written Warning is a notice in writing where there has been a failure to comply with a Written Warning or there has been Gross Misconduct.

Gross Misconduct is a Breach of Conduct which is either very serious or might have very serious effects. The Policy sets out below some examples of Gross Misconduct but the list is not exhaustive.

- Physical violence or the threat of physical violence to another Member of GCF or any other person.
- A finding of Bullying or Harassment under the Bullying and Harassment Policy of GCF.
- Theft
- Fraud
- Serious lack of care to the duties undertaken by a member.
- Endangering the safety of a third person.
- Material non compliance with a Final Written Warning.

Member is a member of GCF.

Notice of Expulsion is a notice issued by the directors where there has been Gross Misconduct

Written Warning is a notice given following a finding of a Breach of Conduct which is not Gross Misconduct. The Notice will set out the nature of the Breach of Conduct and describe the changes in behaviours that are required by GCF.

Introduction

GCF has tried to devise a fair system for resolving a Breach of Conduct based upon principles in line with the ACAS Code of Practice.

GCF does not have employees but does have a Code Of Conduct and Policies. This policy is intended to deal with situations where there are breaches of that Code of Conduct and the other Policies.

Principles

At each stage of the procedure outlined in this policy a member who is the subject of a complaint that there is a Breach of Conduct has the right to be represented by another member or any other person who is not otherwise involved in the alleged Breach of Conduct.

A member will have a right of appeal of the original determination of the Breach of Conduct in accordance with the procedure in this policy.

GCF through its directors will try and resolve the issue as soon as is reasonably possible. This has to take into account that GCF is a voluntary organisation and runs through the goodwill of its members.

The members agree with each other that by passing an ordinary resolution at a general meeting of GCF to adopt this policy they agree to help each other and the directors in the implementation of the policy.

Procedure

In the event that a member believes that there has been a Breach of Conduct then it should report such breach in confidence so far as is reasonably possible to the directors.

In the event that a member reports a Breach of Conduct or where the directors acting reasonably believe that a Breach of Conduct has taken place then they will use all reasonable endeavours to investigate the alleged Breach of Conduct. In the event that the Breach of Conduct involves a director then that director will not be involved in the procedure as a director. In the event the alleged Breach of Conduct involves all of the directors then the members will appoint three members to determine the alleged Breach of Conduct in accordance with the procedure in this policy.

Where the directors determine that there has been a Breach of Conduct they will send notice in writing (which for the avoidance of doubt includes the use of email) to the member. This notice will set out the facts as known to the directors,

the nature of the alleged Breach of Conduct and the possible consequences for the member and for GCF.

The directors will set up a meeting to discuss the alleged Breach of Conduct with the member. The member will have the right to be represented by a third party and agrees to notify the directors at least 7 days prior to that meeting of the identity of such representative. Both the directors and the member will have the right to call witnesses and agree to provide details of such witnesses at least 7 days before the meeting.

As soon as possible following that meeting and in any event within 14 days the directors will notify the member in writing of its decision and the consequences for the member. In the event that the directors acting reasonably believe that there has been a Breach of Conduct then the notice of its decision will contain the Appropriate Action.

In the event that the directors determine that a Notice of Expulsion is appropriate and such decision is not appealed or where it is appealed, the decision is upheld on appeal then the directors shall have the right but not be obliged to propose a resolution to remove the member from the membership of GCF in accordance with Article 20 of the Memorandum and Articles of Association of GCF.

Appeals

A member has the right to appeal a decision by giving notice in writing to the directors within 7 days of receipt of a Written Warning or Final Written Warning or Notice of Expulsion. Such notice will set out the grounds for such appeal.

Upon receipt of a notice of appeal the directors will set up an appeal panel comprising one director and two members who have not been involved in the matter. The directors will use all reasonable endeavours to set up such panel as soon as is reasonably possible but it is acknowledged by the members that this is subject to the participation and availability of members to volunteer to sit on the panel.

For the avoidance of doubt the member is entitled to be represented by a third party and call such witnesses to support the appeal provided that at least 7 days prior notice of the identity of the witnesses is given to the appeal panel.

Within 7 days of the meeting between the appeal panel and the member to hear the appeal, the appeal panel will issue its decision in writing which will be final.

Date of policy : 12th January 2023

Review date of policy : January 2026

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