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THE GCCF DISCIPLINARY PROCEDURE

Complaining about things one does not like is a common pass-time. However, grumbling and chatting over things with friends is one thing, but there is a much more serious situation which is normally referred to in the Fancy as an "Official complaint". The way in which to deal with the paperwork of an official complaint, should you be unfortunate enough to be involved in this situation, is something which all members of the Fancy should know and understand.

Many complaints are received in the office, some of which are going to become official complaints, but because on their arrival it is often difficult to know whether the accusations contained in them are going to be serious or will be able to be dealt with and cleared up very easily, all such letters are given an Investigation Committee number. The Governing Council will not take action on any complaint where there is a legal dispute and where court action is going to be necessary to resolve it. The reason for this is that an extremely awkward situation would arise if a matter was taken before the Disciplinary Committee and a decision made and at a later date the same matter was taken before the courts and a different decision resulted. This means that matters of contract and payment do not normally feature as grounds for disciplinary action unless a court finding already exists. If the matter was very serious, the Investigation Committee might decide to take it before the Disciplinary Committee as discreditable conduct, but frequently the committee considers that the penalties imposed by the courts are sufficient punishment.

There are forms covering most types of complaints, which can be downloaded from the GCCF Website www.gccfcats.org, which will need to be completed, signed and sent to the office. Some years ago the Council decided that those registering cats responsibly should not be required to pay all the costs of bringing an IC/DC case and so charges were introduced as follows:

For most complaints there is an administration fee payable of £15 (with the exception that the complaint is from a GCCF Officer, Show Manager, or a standing committee of Council acting in their official capacity, when no charges are incurred). If a complaint is regarding cat welfare or can be dealt with by the fixed penalty procedure (see Fixed Penalty Complaints) no further charges will be made. For all other complaints a deposit of £160 is required. If the complaint is found proved by the Disciplinary Committee, it may agree that the deposit be refunded.

When a complaint arrives in the office, it will be circulated by the Secretary to the Investigation Committee.

Many letters are obviously legal matters, and the person concerned will be told that this is the case and they should consider talking to the Citizens Advice Bureau if it is a matter of contract and then consider possible recourse to the Small Claims Court, or to approach the local Trading Standards Officer if the complaint is likely to come under the "Sale of Goods Act".

Other complaints cannot be dealt with because the person complained about does not fall under the jurisdiction of the GCCF. Anyone registering a cat or kitten, transferring one into their ownership, applying for a GCCF prefix or entering a show held under GCCF licence agrees, in doing so, to be bound by the Bye-Laws and Rules of the GCCF. Unfortunately, many of the complaints about sales of sick kittens or failure to supply pedigrees arise because kittens have been bought from breeders who neither register nor show: the only advice that can be given is to contact a Trading Standards Officer.

The remaining complaints will be given a complaint number and divided into categories:

1. Simple complaints which are covered by fixed penalties (see fixed penalty list).
2. Other complaints, including those which might involve cat welfare or more serious rule breaches.

If it has been established that there are probably grounds for an official complaint, the complainant will be asked to sign a form to confirm that they would be prepared to appear before the Disciplinary Committee as a witness if required. They may also be asked for further information; for example, copies of letters may be necessary and, if the complaint is about the sale of a sick kitten, veterinary information will be required. All the evidence that is available from the complainant will be collected in the office.

Once the complaint form has been received, a “first complaints” letter will be sent to the “defendant” and it is very important that this is dealt with properly. The rules governing disciplinary matters are laid down in Clause 12 of the GCCF Bye-Laws; a copy of this Clause is always enclosed with a “first complaints” letter and it should be read carefully. “First complaints” letters are sent by Recorded Delivery post because it is important that they reach the right people as soon as possible. If you are unfortunate enough to receive such a letter it will inform you of the nature of the complaint and ask you to reply giving as much information as possible about your side of the story. It is vital that you do reply to this letter and do so as quickly as possible. If you are not sure how best to deal with it then you can always e-mail the Committee’s Secretary, Ms Rebecca Stephens at: Rebecca@GCCFcats.org and ask for help. If you do not reply to the letter at all, matters will go forward in a very one-sided manner which may be to your disadvantage.

Your response to the “first complaints” letter is important. It should lay out as concisely as possible all that you know about the complaint, with dates if they are available, and if the matter deals with a sick kitten, then information from your veterinary surgeon is also extremely helpful. If a contract was made and signed at the time of the sale of a kitten, a copy of this should always be sent. Even if you know that you may have broken a rule or that there may be some grounds for the complaint, you should explain why the situation has arisen.

Once all the information has been collected from the complainant and a statement with all the evidence has been received from the defendant, the case is ready to proceed further.

Fixed penalty complaints

Some grievances are straightforward and, particularly when the problem is failure to supply paperwork, the “first complaints” letter will often result in the paperwork being produced and so resolving the difficulty.

If you have failed to supply paperwork after the sale of a kitten, or after accepting a queen to stud, because you just did not get round to it, then the matter can easily be resolved by forwarding the necessary paperwork to the office where it would be checked against the GCCF files before being forwarded on to the new owner. It is unfortunate when problems of this kind get as far as a “first complaints” letter, but it is never too late to put things right and if the problem can be resolved at that stage, matters will end there. If the paperwork is not produced, or a response received, within the specified time, a further letter will be sent, also by Recorded Delivery, detailing the order which is defined as the fixed penalty for a breach of that particular rule. Fixed penalties are authorised by the Investigation Committee before the order is published.

Any person who incurs a fixed penalty may ask for the complaint to be heard by the Disciplinary Committee as an alternative to accepting the fixed penalty, but must understand that, if the case is found proved, the penalty may be higher and costs may be applied.

The Investigation Committee

Meetings of the Investigation Committee are held four times a year. The Investigation Committee consists of six suitable qualified/experienced people (bound by GCCF Rules) elected by Council at its Electoral Meeting, who are not GCCF Officers, nor members of the Disciplinary, or Appeals Committee. All the paperwork on each case is photocopied and sent to each of the committee members so that they can study it prior to their meeting. When they meet the matter will be discussed fully and a decision made on whether or not there is a prima facie case to answer.

Sometimes matters are not as straightforward as this and the committee may have questions which have not been answered or require further information, in which case the case is deferred to the next meeting and the additional paperwork is collected by the Committee Secretary. The Investigation Committee members need to be very sure about the cases that they decide to take forward to the Disciplinary Committee because it is their responsibility to prove these cases. It is no longer a matter for the complainant, although the committee may require the complainant's help as a witness to enable them to produce the necessary proof. If the committee members do not consider there is sufficient evidence to be able to place a clear cut case before the Disciplinary Committee they may decide to take no further action. It is often difficult for complainants to understand why such a decision has been made but of course it must be remembered that the complainant will not have seen the evidence produced by the defendant and cannot know what is included there, so is not in a position to make a balanced judgment on the situation.

All paperwork that is received by the Investigation Committee is treated as confidential and none of it will be produced unless the case is referred to the Disciplinary Committee, when some items are produced as evidence. When a complaint involves cat welfare, the Investigation Committee may require a visit by at least two experienced members of the Cat Fancy, in order to obtain an unbiased opinion on the condition of cats or premises, before deciding whether or not there is a prima facie case. It may be very annoying or embarrassing to be asked to accept such a visit, but it would be unwise to refuse, since this may be the only way in which the Investigation Committee can decide if there is cause for concern or an unfounded complaint.

The Investigation Committee normally has two Presenters who are not necessarily members of the committee; they may be members of the Cat Fancy chosen to help the Investigation Committee in the presentation of their cases. Even if the Presenter of any case is a committee member he/she will always be accompanied by at least one other member of the Investigation Committee at a disciplinary hearing, to help to answer any queries which may be raised. The important thing to remember if you are thinking of making a complaint or if a complaint is made against you is that advice and help is always available from the Secretary to the Disciplinary Committees. The advice will be as unbiased as possible and will be given freely to the people representing both sides of the dispute. It is always wise to ask for advice if you are unsure how to make a complaint or how to reply to one. Keeping silent and not replying to letters is the worst possible thing you can do because matters may go forward without you representing your own situation properly.

If you make a complaint and the Investigation Committee decides not to take it forward, this can be very upsetting but you will have the satisfaction of knowing that all the facts have been very carefully considered by a conscientious committee.

The Disciplinary Committee

Meetings of the GCCF Disciplinary Committee are held up to four times a year as necessary, and these meetings are normally open to the public.

The Disciplinary Committee consists of six suitably qualified/experienced people (bound by GCCF rules) and one reserves, elected by Council at its Electoral Meeting, who are not GCCF Officers, or Board, Investigations or Appeals committee members. (Several cases are usually heard at each meeting and any committee member who could be considered to be involved in any way with a particular case will not be permitted to sit on that case.)

The legal description for a committee such as the GCCF Disciplinary Committee is a “Domestic Tribunal” and such committees exist in many organisations and societies to deal with disciplinary matters. The powers of the Disciplinary Committee, the way in which a hearing is to be conducted and the choice of penalties is laid down in Clause 12 of the GCCF Bye-Laws and a copy of this is supplied to all defendants.

Complaints are brought before the Disciplinary Committee by the Investigation Committee and normally one or two members of that committee will attend the meeting with the Investigation Committee Presenters. Very occasionally, the Investigation Committee is legally represented. This normally only occurs when the defendant is being legally represented in a complex case where the members of the Investigation Committee consider legal representation is essential or when no Presenter is available to act for the Investigation Committee. The defendants may represent themselves or have a friend to present the case on their behalf, or alternatively they may decide to seek legal representation. This last choice is unusual because many of the complaints are quite specific and peculiar to the Cat Fancy and many defendants realise that to call in a Solicitor who has little or no knowledge of the Fancy will not necessarily mean that their case will be placed before the Disciplinary Committee in the best possible manner. Often an articulate friend and member of the Fancy will be able to undertake this task more effectively. However, this is entirely a matter of choice for the defendant.

The Governing Council Solicitor normally attends all hearings. He/she acts as an advisor to the Disciplinary Committee and also to the defendant if he/she considers that this is necessary. The aim of any disciplinary hearing is to make sure that the case is fairly put and the defendant has every opportunity to respond in the best possible manner. All hearings of the Disciplinary Committee are recorded by a reporter which results in a verbatim report being available to the Disciplinary Committee if required. Copies of this report are available to the defendants if they decide to appeal. However, under these circumstances, the defendants would normally be charged for a copy of the report of their disciplinary hearing.

The Secretary to the disciplinary committees, normally attend all hearings to provide information about any administrative matters or clarify points that might not be clear from the paperwork placed before the Committee. The Secretary does her best to greet defendants and witnesses when they arrive for the hearing, presents paperwork to the Committee as required and prepares the orders at the end of each hearing.

The Disciplinary Committee meetings are formal although the Chairman and the members of the committee make every effort to put witnesses and the defendant at their ease as far as possible, because they are well aware that anyone not used to such hearings may be overwhelmed. Prior to the hearing the defendant will have received all the paperwork that is to be presented at the hearing by the Investigation Committee so that they will be able to study the papers and decide whether they need to produce other papers to set against the Investigation Committee evidence.

The GCCF office staff always hope to receive copies of all evidence to be produced by the defendant to enable sufficient copies to be prepared for the Disciplinary Committee, the Investigation Committee and the Solicitor prior to the hearing, so saving considerable time and also saving the defendant the cost of having to provide photocopies, but on some occasions the

defendant will arrive with copies to be handed out at the meeting. It is important that fifteen copies are available to be distributed at the start of the hearing. If insufficient copies are brought this involves the hearing being set back and copies having to be prepared by the staff at the venue where the hearing is held, which is an unnecessary waste of time and money for everybody concerned.

At the start of the hearing, the defendant will be asked to come into the meeting room and the Chairman of the Disciplinary Committee will explain the procedure and introduce the people present at the meeting.

He/she will then invite the Investigation Committee to put their case to the Disciplinary Committee. Some paperwork will have been circulated to the committee members prior to the hearing. This will be the formal complaint and the substance of this complaint, which is a brief resume of the matters to be presented to the Disciplinary Committee. This resume is not evidence as such but information to set the scene for the committee. Some evidence may also be circulated prior to the hearing, particularly if there is documentary evidence of fact which could be circulated without prejudicing the defendant and would help to save time at the actual hearing. These documents are called exhibits and are listed on the substance of complaint/statement of facts. The substance of complaint/statement of facts may differ slightly from the first complaints letter, as further information and evidence may be acquired by the investigation committee after the first complaints letter has been sent.

Once the Investigation Committee Presenter has placed the substance of the complaint before the committee, evidence will be produced and witnesses may be called to support the complaint. Documentary evidence will be passed round the Disciplinary Committee for them to consider (this will have already been sent to the defendant prior to the hearing). Occasionally paperwork arrives so late that the Investigation Committee has been unable to arrange for it to be copied to the defendant prior to the hearing, in which case the Solicitor's advice will be taken on whether or not the paperwork may be introduced and normally he/she would ask the defendant if they are prepared to accept the introduction of late paperwork. In just the same way, if the defendant arrives with paperwork which has not been shown to the Investigation Committee prior to the hearing, a similar discussion would take place before the paperwork could be introduced. Witnesses for the Investigation Committee are questioned by the Presenter. At the end of this questioning the defendant or the defendant's representative may cross examine the witness. Once this is done, the Solicitor may feel that there are questions that need to be asked for clarification, in which case he/she will ask these questions, and then members of the Disciplinary Committee will also ask questions of the witness.

Once a witness has given evidence, they may remain in the room for the rest of the hearing. When all the Investigation Committee witnesses have given their evidence, it is the turn of the defendant to present their case. One of the difficulties many defendants have is to understand that their case is presented after the Investigation Committee case, and that when witnesses are giving evidence the defendant can only ask questions on the evidence and not make statements about their side of the case. This is not very easy to do and often the Solicitor will help in phrasing suitable questions for the defendant. The defendant may then introduce witnesses to support their defence and the questioning will take place in a similar manner to the presentation of evidence by the Investigation Committee. One decision which will have to be made by the defendant, preferably prior to the hearing, is whether the defendant will make a statement to the Disciplinary Committee, in which case no questions can be asked and no cross examination can take place, or whether the defendant prefers to give evidence which means that the Investigation Committee may cross examine and the Disciplinary Committee may ask questions. Whichever route is chosen it is very important that the defendant has notes to enable them to give as clear and succinct a presentation of their case as possible.

Once the hearing is complete, the Chairman of the Disciplinary Committee will ask everybody other than the Disciplinary Committee, the Solicitor, and the administrative staff to withdraw. The

Disciplinary Committee will then discuss the case. They may find it necessary to ask everyone to return to have a point clarified.

At the end of their discussions they will decide if they found the case proved and, if it has been proved, what sanctions should be taken against the defendant and whether costs will be imposed.

Once all decisions have been made, the defendant and the Investigation Committee will be asked to return. The Chairman of the Disciplinary Committee will read out the decision and also the terms and conditions of any orders that are to be made against the defendant. The hearing of this particular case is then closed and the next case is heard.

The Disciplinary Committee has no power to award costs against the GCCF.

After the hearing is complete, if the case has been found against the defendant there is a twenty-one day period available for the defendant to consider whether or not to appeal. The defendant should wait until they receive their copy of the Disciplinary Committee orders before making any such decision. Clause 12 (4) of the GCCF Bye-Laws deals with the penalties available to the GCCF and Clause 12 (5) deals with conditions that may be placed upon the defendant as a part of the order.

Once the defendant has considered the question of a possible appeal it is important that formal notice of appeal is given within the twenty-one days. If the case has been proved and no appeal is received, the result of the hearing will be published on the GCCF website. The results of cases that have been dismissed are only published at the request of the defendant.

The Appeals Committee

The Appeals Committee is made up of six suitable qualified/experienced people (bound by GCCF Rules) not GCCF Officers, nor members of the GCCF Board, Investigations or Disciplinary Committee. Two reserve members are also elected so that if any member is unable to attend a reserve member will sit as a substitute. Meetings of the Appeals Committee are arranged when required and as soon as possible after the grounds for an appeal have been received. Anyone contemplating an appeal should read the written orders from the Disciplinary Committee hearing carefully and consider the implications of these findings.

The grounds for an appeal and the terms of reference for the Appeals Committee are laid down in Clause 12(8) - (13) of the Bye-Laws and it is very important that these are read carefully before an appeal is considered. It is important that the appellant realises that the Appeals Committee has the power to increase the penalties laid down by the Disciplinary Committee as well as to reduce them. The notice of appeal must be made in writing to the Secretary to the Disciplinary Committees within twenty-one days of the receipt of the Disciplinary Committee orders, and must include the grounds for the appeal.

An appeal may not be made on a finding of fact. The Appeals Committee will not re-hear the evidence that has been placed before the Disciplinary Committee and does not normally hear any evidence of fact except in exceptional circumstances where some information has become available after the Disciplinary Committee hearing which it was not possible to bring before that committee. Appeals are normally made on a point of law or procedure or against the severity of the order made by the Disciplinary Committee.

The appellant must state fully the grounds for the appeal including the reasons why it is considered that the finding is too harsh, or the procedure that was followed at the Disciplinary Committee hearing was incorrect or that a point of law has not been properly applied. If an appeal is being made against the severity of the Disciplinary Committee order, it is helpful if the appellant can quote instances of similar cases where a lesser penalty has been imposed, in support of their appeal. If

costs have been ordered by the Disciplinary Committee, the costs must be paid immediately, and failure to do so will invalidate any notice of appeal which may be given.

No appeal may be made against the question of costs alone. An order of the Disciplinary Committee becomes effective from the date of the order and the notice of appeal will not result in the lifting of the Disciplinary order. However, the Appeals Committee has the power to rescind the order as a result of the appeal. Orders made by the Appeals Committee take effect from the date of the order and a decision of the Appeals Committee is final. When an appeal has been made it is normal for the appellant to appear before the committee. The appellant can be represented by a Solicitor or by a friend or present their own appeal. In some circumstances appeals are put forward in writing.

The Investigation Committee will normally send at least one representative to the appeal and this representative will state the formal substance of the complaint that had been brought against the appellant.

The Chairman of the Disciplinary Committee (or member of that Committee appointed by him/her) shall be present at all hearings of the Appeals Committee but shall not speak (unless asked to do so) and shall not vote. If so required, the Disciplinary Committee shall give in writing its findings as to the facts of any complaint heard by it. Such findings shall be presented to the Appeals Committee by the Chairman of the Disciplinary Committee or another member of the Disciplinary Committee.

The members of the Appeals Committee will receive a copy of the formal complaint brought by the Investigation Committee, and the orders made by the Disciplinary Committee. It will depend upon the grounds of appeal whether further documentation is required. It may be necessary for the evidence presented to the Disciplinary Committee to be made available to the Appeals Committee to enable the members to make their own assessment of the level of penalty that they consider to be justified. Sometimes this is done by presenting the Appeals Committee with the transcript of the Disciplinary Committee hearing. If this is required, a copy of the transcript will also be provided to the appellant.

If the appellant requires a copy of the transcript of the Disciplinary hearing to enable them to prepare a case, this can be provided but would normally have to be paid for by the appellant.

The procedure undertaken by the Appeals Committee is very similar to that used by the Disciplinary Committee. The appellant is asked to put their case before the Appeals Committee with any supporting evidence. It is unusual to call witnesses in an appeal, but if a witness is to be called, then the Investigation Committee has the right to cross examine the witness and the members of the Appeals Committee may also ask questions.

It is normal for the appellant to make a statement to the Appeals Committee but additional evidence can only be introduced if it was not possible to produce the evidence to the Disciplinary Committee at the hearing. The GCCF Solicitor normally attends all Appeals Committee hearings, in order to give legal advice to the Appeals Committee and also to provide help to the appellant if it is required. The aim of all GCCF hearings is to make sure that the defendant or the appellant has every opportunity to make their case as clearly and fully as possible and the GCCF Solicitor will help them to achieve this if he/she considers that they are failing to make important points or missing matters when questioning witnesses. Once the Appeals Committee has heard the representations of everyone present, the committee will ask the appellant and the representatives of the Disciplinary and Investigation Committees to withdraw while they consider their findings.

Everyone will then be asked to return for the Chairman to notify the appellant and the committee representatives of the findings and the terms of any amended or additional orders that may have been made.

A further sum may be requested by way of costs. If the appeal is dismissed, the orders of the Disciplinary Committee as amended by the Appeals Committee will be published on the GCCF website as quickly as possible. No publication is normally made where an appeal is allowed unless publication is requested by the appellant. In the event of an appeal being allowed, the appellant can immediately apply to the Secretary to the Disciplinary Committees, requesting that any paperwork (eg registrations, transfers etc) that has been held up during the period prior to the appeal, be dealt with as soon as possible and this will be done.

We hope that it has become obvious to everyone who has read this leaflet about the GCCF complaints procedure that it is extremely important that all evidence should be provided to the Secretary of the Disciplinary Committees at the earliest possible stage of the complaint. It is very sad when a complaint reaches the Disciplinary Committee and evidence is produced by the defendant after the hearing has been arranged, or on the day of the hearing itself, which results in the Investigation Committee withdrawing the complaint, or the complaint being dismissed by the Disciplinary Committee, when, if that information had been provided to the Investigation Committee in their initial consideration of the complaint, it is most unlikely that a disciplinary hearing would ever have been required and all the stress and worry that has been caused to the defendant could have been avoided.

The best advice that we can give to anyone who has a complaint made against them is:

1. To take the matter seriously.
2. To respond to the complaint fully, providing as much evidence as possible to support your response.
3. If you are in any doubt about how to deal with the matter, to contact the GCCF Disciplinary Committee Secretary and ask for help.