



Supporting the hair, beauty  
and barbering industries

## DISCIPLINARY REGULATIONS

## **1 Purpose**

1.1 These Disciplinary Regulations provide a procedure by which the National Hairdressers' Federation (the "Federation") can work with NHBF members and Board members (including those who are officers) to maintain satisfactory standards of conduct, as set out in:

- the Code of Practice in respect of NHBF members;
- the Regulations for the NHBF Board in respect of Board members; and
- any other relevant law or regulations applying to these parties which for the avoidance of doubt shall include the General Data Protection Regulation 2018 and the Data Protection Act 2018

1.2 Where complaints or allegations of misconduct are made against members of NHBF staff (including the Chief Executive) these will be processed in accordance with the separate disciplinary procedure contained in the Staff Handbook.

1.3 The purpose of the Disciplinary Committee is to:

- Deal with complaints or allegations of misconduct against:
  - NHBF members;
  - Board members, including those who are officers (being the President, Vice President and Immediate Past President (when applicable));
- Appoint investigators to act on the Board's behalf if needed;
- Seek legal advice if needed;
- Recommend disciplinary action if needed; and
- Deal with issues or complaints occurring as a result of the enactment of the whistle-blower policy for NHBF members and Board members, if this is deemed appropriate.

1.4 The Disciplinary Committee is also instructed by the Board to review the NHBF Code of Conduct, Regulations for the NHBF Board and the disciplinary procedures arising, recommending changes as needed.

1.5 The Disciplinary Committee is formed annually of Board members as detailed in regulation 2, and convened as and when needed.

## **2 Disciplinary Committee members**

2.1 Each year Board members (excluding those who are officers) will be invited to nominate themselves for the Disciplinary Committee. The nomination form will give those individuals the opportunity to show how they meet the selection criteria:

- Previous experience of disciplinary procedures;
- Ability to analyse complex information and draw logical conclusions;
- Ability to make difficult decisions;
- Ability to observe strict confidentiality; and
- Impartiality.

- 2.2 Three eligible individuals will then be selected from the candidates by a secret ballot held by all Board members, conducted in such manner as they see fit.
- 2.3 The names of the Disciplinary Committee members will be made known to Board members, the Chief Executive, and other NHBF members or NHBF staff as necessary, but will not be made public.
- 2.4 If the Disciplinary Committee is required to investigate a complaint or allegation, all such members must disclose, in relation to the issue being considered, whether they have been involved directly or indirectly in the relevant matter. If such a conflict of interest arises:
  - the member in question must excuse themselves from the Disciplinary Committee in relation to that particular investigation; and
  - a replacement Board member must be appointed in respect of that particular investigation, from among the members who nominated themselves.

This duty to disclose and manage conflicts of interests applies at the outset of an investigation and also throughout the duration of the investigation.

- 2.5 If a member of the Disciplinary Committee is aware that they will be unavailable to investigate a complaint or allegation (due to illness, absence or other reasons), a replacement Board member must be appointed to the Disciplinary Committee from among the available nominees.
- 2.6 The Chief Executive will attend Disciplinary Committee meetings and will manage the investigation process on behalf of the Committee, unless the Chief Executive faces a conflict of interest in relation to the matter. If this is the case, the Disciplinary Committee will select an external independent person with appropriate experience to manage the investigation process. In either case, the Chief Executive or independent person will not have the right to vote.
- 2.7 The Disciplinary Committee may co-opt additional specialist advisers if necessary, but any such advisers will not have the right to vote.
- 2.8 Disciplinary Committee meetings will be quorate if three Committee members are present.
- 2.9 The members of the Disciplinary Committee will agree between themselves who will chair their meetings, and such chair shall have a deciding vote on matters where voting is tied, if required.
- 2.10 Reasonable travel expenses will be paid to Committee members (and anyone appointed to investigate a complaint or allegation by the Committee under regulation 3.6), including overnight accommodation where appropriate, in accordance with the NHBF travel and expenses policy. Meetings will be held in central, accessible venues but may occasionally be held by teleconferencing.

### **3 Investigation procedures**

- 3.1 Complaints or allegations of misconduct against NHBF members or Board members may be made by:
- the public;
  - NHBF members;
  - NHBF staff;
  - individual Board members; or
  - two thirds of the Board members in respect of one of their own members or officers, in accordance with rule 12.3 of the Rules.
- 3.2 Any complaint or allegation should be reported in writing to the Chief Executive in the first instance, unless the complaint concerns the Chief Executive in some part, in which case the written complaint should be sent to the President. Receipt of such a complaint or allegation will trigger the disciplinary procedures.
- 3.3 The Chief Executive (or President, as appropriate) will first assess whether the complaint or allegation deserves consideration by the Disciplinary Committee. If they determine that the matter is vexatious or frivolous, they will report to the Disciplinary Committee that the disciplinary procedure is to cease in relation to the matter, and respond to the complainant explaining the same (at their discretion).
- 3.4 If the Chief Executive (or President, as appropriate) decides that the matter should proceed, the Board will be informed that the procedure has been initiated, although the details of the case will remain confidential at this stage, and the matter will be referred to the Disciplinary Committee.
- 3.5 All complaints and allegations reported to the Federation will be dealt with sensitively by the Disciplinary Committee, and with due respect for the privacy of any individuals involved. All individuals must treat as confidential any information communicated to them in connection with an investigation.
- 3.6 The Disciplinary Committee will then assess the nature of the written complaint or allegation, and determine whether the matter requires a full investigation. If the Disciplinary Committee decides that the matter involves a sufficiently minor conduct issue, it may seek to resolve the complaint through direct contact or correspondence with the parties involved. If this option is not deemed appropriate, or the efforts of the Disciplinary Committee to resolve the issue are unsuccessful, then the Committee will implement a full investigation under regulation 3.7.
- 3.7 Subject to regulation 3.6, the Disciplinary Committee will appoint a suitably qualified and experienced individual to investigate the allegations or complaint, and prepare a report setting out their view on whether or not there is a case to answer. The person acting on behalf of the Committee for these investigations will make any enquiries he/she considers necessary for this purpose.
- 3.8 Following the appointment of an investigator, a period of 28 days will be allowed for the investigation to take place, although in complex cases, such as those requiring numerous interviews, the Disciplinary Committee may extend the time period for

investigation. The complainant and any individual who is the subject of an investigation will be kept informed of the reporting timescales.

- 3.9 An individual who is the subject of an investigation will be informed in writing of the allegation or complaint against them, and that an investigation will be held to determine whether or not there is a case to answer. Depending on the nature of the complaint or allegations, the relevant individual will be invited to make any written observations, or to take part in an interview held by the investigator. At this stage, a copy of the Disciplinary Regulations will be sent to the relevant individual and the complainant.
- 3.10 All NHBF members, NHBF staff and Board members must co-operate fully and promptly in any investigation. This will include informing the Disciplinary Committee and investigator of the names of any relevant witnesses, disclosing any relevant documents and attending investigative interviews if required.
- 3.11 Any such interviews will be held solely for the purpose of fact-finding, and no decision on disciplinary action will be taken until after a disciplinary hearing has been held. Interviewees may be accompanied at their interviews if they wish. Notes will be taken of any interviews held and copies will be provided to interviewees, who may propose alterations or factual corrections. The investigator will decide which amendments (if any) to make.
- 3.12 The investigator will then present the material gathered to the Disciplinary Committee, which will decide whether or not there is a case to answer by a majority vote.

#### **4 Outcomes of the initial investigation**

- 4.1 If there does not appear to be a case to answer, the Disciplinary Committee will dismiss the case and notify the relevant individual and the person making the complaint accordingly within 10 days of that decision being made.
- 4.2 If the investigator or Disciplinary Committee feels a complaint or allegation warrants reporting to the police or another authority, they must notify the Board and refer the matter as soon as possible to the relevant authority.
- 4.3 Otherwise, the Disciplinary Committee will notify the Board that a disciplinary hearing is to be held as soon as possible.

#### **5 Disciplinary hearings**

- 5.1 The Disciplinary Committee will conduct the hearing to determine whether:
  - there has been a breach of the Code of Conduct, the Regulations for the NHBF Board or any other instance of improper professional conduct by the relevant individual;
  - the Federation has been brought into disrepute; or
  - there are any other matters which may require disciplinary action.

- 5.2 The Disciplinary Committee may appoint a solicitor or other suitably qualified and experienced person to sit with the Committee, either to provide advice or to conduct the hearing.
- 5.3 The relevant individual will be given reasonable notice (not less than 14 days) of the time, date and location of the hearing, together with a full written statement of the charge, the range of disciplinary action that may arise if the charge is upheld, the name of any witnesses to be called by the Disciplinary Committee (except where these are to be kept confidential), copies of any written statements made by those witnesses and of any documents to be placed before the Disciplinary Committee.
- 5.4 The Disciplinary Committee may extend timescales if they consider it appropriate in the circumstances, or they may adjourn a hearing from time to time. In all cases, reasonable notice (not less than 14 days) of meetings will be given to all parties.
- 5.5 If the relevant individual does not attend the disciplinary hearing without reasonable excuse (having received due notice of the hearing), the Disciplinary Committee may proceed with the hearing on the available evidence at their discretion, or otherwise adjourn the hearing to a future date in accordance with regulation 5.4.
- 5.6 At the disciplinary hearing, the Disciplinary Committee will work through the complaint or allegation against the relevant individual, review the evidence that has been gathered in relation to these matters, and (if applicable) hear the evidence of any witnesses. The Disciplinary Committee may take into consideration any such pre-disclosed information or other information presented at the hearing, whether or not such information would be admissible as evidence in a Court of Law.
- 5.7 The relevant individual (at their own expense) will be entitled:
- to attend the hearing in person and to be heard in person or through a solicitor or other representative;
  - to submit to the Disciplinary Committee any written evidence or documents;
  - with the permission of the Disciplinary Committee, to call witnesses in their defence and to cross-examine any other witnesses testifying before the Disciplinary Committee; and
  - to be given any other reasonable opportunity to defend the charge.
- 5.6 The complainant will not normally be present at the hearing. The Disciplinary Committee may invite the complainant to provide additional information (before, during or after the hearing) where Committee members consider the complainant may be able to provide relevant additional information or clarification.

## **6 Outcomes of the disciplinary hearing**

- 6.1 If the Disciplinary Committee finds an individual guilty of a breach of the Code of Conduct, the Regulations for NHBF Board members or any other form of improper

professional conduct by a majority vote, it may impose disciplinary action against the relevant individual in relation to their role as an NHBF member, Board member or officer, who may be:

- warned or advised as to their future conduct; or
- advised to complete recommended training or other action which may be required in order to remain in membership or their role; or
- reprimanded; or
- suspended from membership of the Federation and/or their role in the Federation for a period specified by the Disciplinary Committee; or
- expelled from membership of the Federation and/or from any position he/she holds.

6.2 The Disciplinary Committee will aim to treat all individuals appearing before them fairly and consistently, and a penalty imposed on another NHBF member, Board member or officer for similar misconduct will usually be taken into account (but should not be treated as precedent). Each case will be assessed on its own merits.

6.3 A written notice of the findings, the Disciplinary Committee's decision and the reasons for the decision will be given to the relevant individual and to the Board within 5 days of the hearing. The complainant will be notified after 28 days has passed from when the relevant individual was notified of the findings, which is outside the timescales for an appeal to be made.

6.4 If the Disciplinary Committee finds the relevant individual not guilty of improper professional conduct, or no disciplinary action is required, the Disciplinary Committee will notify the individual, the complainant and the Board in writing within 5 days of the hearing.

## **7 Appeals**

7.1 The relevant individual may appeal against the outcomes of the disciplinary hearing within 28 days of receiving notice of the findings. The complainant will be notified of the appeal but not the grounds for it.

7.2 Grounds for an appeal may include:

- An inconsistent or excessive penalty compared to other similar cases;
- Perceived bias by the disciplinary hearing manager;
- Extenuating circumstances;
- New evidence which has come to light since the original hearing; or
- Other reasonable grounds specified by the relevant individual.

7.3 The appeal must be made in writing to the President, specifying the grounds upon which the appeal is made. The President will then consider whether or not there are sufficient grounds for an appeal to be made.

- 7.4 If an appeal is requested but it is found that there are not sufficient grounds, it will be rejected and the person making the appeal will be notified by the Chief Executive in writing, giving the reasons why an appeal cannot be made.
- 7.5 If there are sufficient grounds for an appeal, a date for the appeal hearing will be set as soon as possible, and reasonable notice will be given (a minimum of 5 days).
- 7.6 During the investigation and disciplinary hearing, the relevant individual will have had every opportunity to present their observations, and to add to or correct records of meetings and interviews. The appeal hearing will not therefore repeat the investigations or re-run the disciplinary hearing.
- 7.7 The purpose of the appeal hearing is to consider whether there are any additional factors which the relevant individual considers were not taken into account in the investigation or the disciplinary hearing, or any error in the procedure, which might have led to a different outcome.

## **8 Appeals Committee**

- 8.1 The appeal will be heard by at least 2 NHBF officers, neither of whom will have had any involvement in investigations into the original complaint or allegation. A solicitor or other suitably qualified and experienced person may be appointed to join the appeal hearing to provide advice or to conduct the hearing.
- 8.2 The Appeals Committee will consider any new evidence and may call witnesses, and it may adjourn the appeal hearing if it needs to carry out any further investigations.
- 8.3 At their own expense, the accused individual may:
  - submit to the Appeals Committee evidence in writing in support of the appeal; and
  - attend the hearing in person and may be accompanied by a solicitor or other representative.

## **9 Outcomes from the Appeals Committee**

- 9.1 Following the appeal hearing, the Appeals Committee may:
  - Confirm the original decision of the Disciplinary Committee and reject the appeal;
  - Revoke the original decision of the Disciplinary Committee, in the light of the additional evidence; or
  - Substitute a different penalty than that imposed by the Disciplinary Committee, in the light of the additional evidence.
- 9.2 The decision of the Appeals Committee is final and the decision will be notified in writing to the relevant individual, the complainant and the Board.

9.3 Penalties imposed by the Disciplinary Committee or the Appeals Committee may be published.

## **10 Notices**

10.1 Any notice required to be given to an individual who is the subject of a complaint or allegation under these Regulations shall be deemed to be properly served if sent by registered or recorded delivery first-class post to the address of the relevant individual contained in the Register or NHBF staff records.

10.2 If no reply is received from the relevant individual within 28 days (subject to any shorter notice periods specified in these Regulations), the Disciplinary Committee or the Appeals Committee may proceed in default.