

THE SEALED KNOT SOCIETY LTD



Complaints & Discipline

Policy

January 2024

Contents

General Principles.....	3
A: Investigating Officers and Investigations	4
Suspension from SK Activities during the investigation phase	4
B: Complaints and Discipline Procedure – at Regimental, Brigade or Army level	6
If the offence requires a formal investigation:.....	6
Construction of an Inquiry Board.....	6
Rights of members being investigated	6
Requirements of the Board of Inquiry.....	7
Appeals to the Commanding Officer	7
Regimental Commanding Officers accept responsibility for all members of their regiments.	8
C: Adjutant General Complaints and Discipline Procedure	9
Complaint received by the Adjutant General	9
Cases referred to the Adjutant General by any Board of Inquiry above.....	9
Cases investigated by the Adjutant General's team.....	9
Judge Advocate General powers	10
Adjutant General's Powers	10
Adjutant General's Tribunal.....	11
Requirements of the Adjutant General's Tribunal.....	11
Rights of members being investigated	12
D: Appeal to the Board of Directors	13
E: Complaints made against a member of the Board of Directors	14
F: Probation	15
G: Record Keeping.....	16

General Principles

1. The general principle of English Law is to be observed that **‘an individual is innocent until proven guilty,’** and this policy adheres strictly to this principle.
2. All communications should be made in writing, either by posted registered letter or by email (marked as inform when read). In the case of verbal communication, this should be fully confirmed and reiterated in writing within seven days of the verbal communication. In the case of dismissal or suspension, this must be confirmed by a registered letter.
3. A regimental commanding officer has responsibility for the actions of all members within their regiment. Regimental Commanding Officers investigate and resolve disciplinary matters relating to behaviour and compliance with Sealed Knot published rules or standing orders where possible. Most investigations and disciplinary matters can be dealt with fully and effectively within regiments. However, depending on the offence, or for other reasons, Commanding Officers may choose to escalate the complaint to Brigade, Army (Lord General) or to the Adjutant General.
4. Commanding Officers should always try to resolve issues informally where possible. The procedure below should only be taken as a last resort or when the alleged offence warrants an investigation – in the case of alleged illegal activity, including safeguarding and financial issues, then the case must be escalated to the Adjutant General for advice and next steps, which may include contacting the police. Any punishment must comply with Sealed Knot regulations and procedures.
5. This policy should be read in conjunction with the **Sealed Knot Investigation Procedure** and the **Terms and Conditions of Membership**.
6. Members under investigation can be accompanied at Interview, Board of Enquiry or Appeal Panel by another Full Member of the Sealed Knot.
7. 16–18-year-olds who are interviewed or requested to appear at Interview, Board of Enquiry or Appeal Panel will have the recommendation made to their CO that a Full Member accompany them.
8. Where there is a need to involve under 16s in this process, this can only happen with the full permission of their parent, guardian or an adult designated by the parent to do so, and with the full knowledge of the CO. They must be accompanied by this responsible adult to all and any Interviews, Boards or Enquiry or Appeal Panels.
9. In items 7 and 8 above, it is the duty of the CO to inform the Adjutant General of the case and details, and to ensure that the responsible adult in (8) is fully aware of the rights of the child or young person.
10. In the case of 7 and 8 above, the Safeguarding Officer must be informed by the Adjutant General within 24 hours that a young member or child is involved in a case.
11. In the case of 7 and 8 above, any investigating officer must take counsel from the Adjutant General's office on correct procedure for interviewing young people and minors.

A: Investigating Officers and Investigations

1. Inquiries should take place as soon as possible following the complaint, except in those cases where criminal proceedings have been initiated by the police, in which case:
 - a. The issue must be referred to the Adjutant General by the Commanding Officer or their representative, in writing, as soon as possible after they become aware, so that this can be logged.
 - b. Communication with the police will be through the Adjutant General and the Board informed of the basic details (dates, regiments involved, alleged incident, etc).
 - c. Following any police investigation and outcome, the Adjutant General will ask the Judge Advocate General to commence a formal investigation, which will be informed by any police or court actions.

This ensures our compliance with English Law regarding witnesses and evidence.

2. Outside of (1a) above, it is the role of an **Investigating Officer** to assess the original allegation and see if any offences have been committed.
3. It is the role of a **Board of Inquiry** to evaluate the evidence and to give the accused the right to put forward their version of the events.

Suspension from SK Activities during the investigation phase

4. Suspending any person from SK activities is a most serious act, and should only be taken if any of the following apply:
 - a. If there is a risk to the member's own safety or the safety of others by the member's action.
 - b. The member is behaving in a threatening or abusive manner.
 - c. There is an action that is gross misconduct, and/or activity of a criminal, abusive or financial nature).
5. If it is felt that suspension is the only option, then this will be applied for a maximum period of three months from the time of written confirmation of such a decision being sent to the member concerned from the Adjutant General. After this time, the decision will be reviewed by the Adjutant General, and the period extended for a further period if required, upon agreement of the Board of Directors. This decision can also be extended, pending a repeat of the process at the end of the suspension period. All such decisions must be recorded in the minutes of the Board meeting in which they are discussed.
6. In cases of suspension, this procedure will be applied:
 - a. In all cases bar 6e below, suspension can only be enforced with the majority agreement of three Directors of the Society. Their permission must be sought before any further action can be taken and should be recorded in writing as soon as possible after the decision is made. These three Directors are accountable to the whole Board for any decisions made and should be able to give clear and transparent reasons for any decisions made.
 - b. A verbal suspension is given.
 - c. The verbal suspension must be followed up with a written confirmation of the reason and the period of the suspension to the member concerned within seven days.
 - d. The Adjutant General will inform the Board of the basic details of the suspension (name of member, regiment, alleged offence (without full details) and period of

suspension).

- e. **In the case of a Child Protection Case as judged by the Child Protection Officer or Adjutant General, the Chair or Adjutant General can enforce Emergency Suspension immediately. However, they must give full details in writing to the Board of Directors of their reasons and actions immediately following the suspension (within seven days), and sections 6a to d above must be followed.**

B: Complaints and Discipline Procedure – at Regimental, Brigade or Army level

1. Depending on the level of investigation, the 'Commanding Officer' (CO) role may refer to the Regimental CO, Brigade Commander, or Lord General, as appropriate.
2. 'Organisation' refers to Regiment, Brigade or Army, as appropriate.
3. If a complaint is made, the Commanding Officer is required to act.
4. If this matter can be dealt with informally, then on the CO's judgement this should be the first course of action. However, incidents of illegal activity, including Safeguarding or financial issues, must be referred to the Adjutant General.
5. If the offence, in the CO's opinion, requires no formal investigation, the offence should be recorded by the CO in writing in case of any future issues arising from this. The date, alleged offence and names of people involved, together with the CO's findings and opinion, are sufficient in this case. This must then be sent to the Adjutant General, to be kept on file, with the length of record retention as per all disciplinary files (see Part G2 below).
6. If, in the opinion of the Commanding Officer, the complaint should be dealt with internally through a formally recorded route, then the following process will be followed.

If the offence requires a formal investigation:

7. Commanding Officers should **not** be the investigating officer, as they will be the officer to whom the member who is being investigated may make their appeal if they should wish. However, the CO may give guidance as to how the procedure should be undertaken.
8. Commanding Officers will appoint an Investigating Officer, who will be a senior member of the organization or have relevant experience.
9. The Investigating Officer will inform the member, in writing, of the allegation against them.
10. The Investigating Officer will investigate following the **Sealed Knot Investigation Procedure**.
11. The Investigating Officer will provide the facts of the investigation to the Board of Inquiry.
12. The Investigating Officer **cannot sit on the Board of Inquiry**.

Construction of an Inquiry Board

13. The Inquiry Board should be chaired by the representative appointed by the CO, (often the 2ic or equivalent) and consist of two other members of the organisation of the same or higher rank or status of the person charged with the alleged offence.
14. However, at the Commanding Officer's discretion, they may appoint an officer from the Brigade or Army to chair the Regimental Inquiry if required.

Rights of members being investigated

15. The member should:
 - f. Be informed in writing by the Investigating Officer that they are being investigated and the allegation against them within seven days of the decision to investigate being made.
 - g. Be provided with evidence in writing as to the alleged offence within seven days of the decision to investigate being made.

- h. Be informed at least seven days in advance of the date, time and place of the Inquiry Board and be provided with details of the alleged offence and any evidence to be presented.
- i. Have an SK Full Member of their choice attend the Inquiry Board with them.
- j. Be informed of the outcome of the Inquiry in writing, within 14 days of the inquiry taking place or, if not complete, an update.
- k. Have the right of appeal, which should be made in writing or in person to the Commanding Officer, within 14 days of the conclusion of the decision given at the adjudication following the inquiry.

Requirements of the Board of Inquiry

- 16. The Board of Inquiry is to review all the facts relating to the alleged offence and inform the Commanding Officer in writing of its findings.
- 17. The Board of Inquiry may make recommendations as to the action to be taken depending on the outcome and offence.
- 18. If the member being investigated declines to give evidence or to take part in the inquiry, then the Board of Inquiry will not proceed unless the alleged offence is deemed severe enough to be escalated to a higher authority. Instead, the Commanding Officer will take the appropriate action, based on the facts detailed by the Investigating Officer and/or available to them at the time.
- 19. If the subject(s) of the investigation decline to give evidence or take part in the Board of Inquiry, this could be seriously detrimental to them if a decision does not find in their favour, and they must be informed of this. This should be recorded and be brought forward if relevant to any appeal.

Appeals to the Commanding Officer

- 20. . The grounds for an appeal should be the belief that the outcome and/or recommendations of the Inquiry Board are wrong; that the punishment does not reflect the offence; or that the investigation has been incorrectly managed.
- 21. The Commanding Officer will make an informed decision, considering all the facts, that the appeal is justified or not justified.
- 22. In some cases, the regimental Commanding Officer may wish to review the appeal with higher authority before making their decision. This is at the discretion of the Commanding Officer.
- 23. Once a decision is made the member involved and complainant(s) must be informed in writing of the outcome within seven days.
- 24. Action available to the Commanding Officer may include:
 - a. A verbal reprimand.
 - b. A written reprimand and warning of future conduct.
 - c. A written reprimand and warning of future conduct with a period of probation.
 - d. Reduction in rank or appointment.
 - e. Suspension from SK activities for a set period in line with the above procedure.
 - f. Referred to a higher authority for investigation.
 - g. Dismissal from the regiment

Regimental Commanding Officers accept responsibility for all members of their regiments. Thus, they have the right:

- a. To refuse membership to the regiment:
- b. To refuse renewal of regimental membership.
- c. To dismiss members from the regiment.

However, these actions should not be taken lightly, and the Adjutant General must be informed.

C: Adjutant General Complaints and Discipline Procedure

Complaint received by the Adjutant General

1. If a member of the Society complains directly to the Adjutant General, the Adjutant General will decide on what the appropriate action to take, which may include:
 - a. Refer it to the Regimental Commanding Officer.
 - b. Refer it to the Brigade Commander.
 - c. Refer it to the Lord General.
 - d. Request an investigation by the Judge Advocate General
 - e. Suspension from SK activities (as per the suspension rules, in Section 2 above) while investigation (by the JAG or other Investigating Officer appointed) is taking place in line with any of the above procedures.
2. If options b to e are applied, then the procedures laid out above in this document will come into force depending on to whom it is referred. In the case of the Adjutant General being investigating an issue, the Lord General and either the Brigade Commander or Regimental Commanding Officer should be informed.
3. The Sealed Knot Board of Directors should also be given basic facts regarding any Adjutant General case, comprising the date and alleged offence.
4. The JAGs will proceed in line with all aspects of the Sealed Knot Investigation procedure.

Cases referred to the Adjutant General by any Board of Inquiry above

5. Depending on the recommendations of the Board of Inquiry, the Adjutant General will, after reviewing the facts:
 - a. Inform the Referring Board that there is no case to answer (and the Board informs the member).
 - b. Suspend the member while the investigation is taking place (by the JAG or other Investigating Officer appointed) using the procedure in Section 2 above.
 - c. Request an investigation by the Judge Advocate General.

Cases investigated by the Adjutant General's team

6. If the case comes directly to the Adjutant General and is not part of any lower Board of Inquiry, then the following process takes place:
 - a. Member informed by AG of accusation in writing within seven days of the decision to investigate, including allegations.
 - b. Accuser(s) informed by AG in writing that the case is being investigated within seven days of the decision to investigate.
 - c. The Board informed that a case is being investigated by the AG's team - **the date and alleged offence.**
 - d. JAG(s) instructed to investigate – the AG may confer with the JAGs for clarification throughout
 - e. Report received from JAG(s) to Adjutant General.
 - f. Adjutant General prepares a report and submits to the Limited Board of

Directors (**three Directors should not be given these details at this stage and should not be present in the agenda item of the Board Meeting, so that they can sit as an appeal panel later if required**).

- g. Limited Board of Directors accept or do not accept the report and suggested course of action **at full Board Meeting (again the three Directors who are the appeal panel must not be part of this item in the meeting)**.
- h. Member is informed of the decision in writing within 14 days of the Board meeting.
- i. Member appeals against decision to Adjutant General Tribunal.
- j. Adjutant General's Tribunal is held to hear appeal.
- k. Decision made and both Board of Directors and member informed.
- l. The complainant informed of the final decision.
- m. In the case of a recommendation for expulsion from the Society or where the accused wishes to present new evidence which was not previously available to a Board of Inquiry or the Adjutant General's Tribunal, the member may appeal to the Board as listed below. In this case, the three elected Directors not presented at the Limited Board should comprise the Appeal Panel.
- n. Should the subject(s) of the investigation decline to give evidence or take part in the investigation, then it could be seriously detrimental to them. This should be recorded and brought forward at any later stage if at all relevant.

Judge Advocate General powers

- 7. The Judge Advocate General is empowered to request and be given any information relating to their investigation: this includes interviewing any members of the Society.
- 8. The Adjutant General is the Judge Advocate General's Line Manager

Adjutant General's Powers

- 9. The Adjutant General can make a sole decision of disciplinary action based on the evidence of the Judge Advocate General, or any of the lesser Boards of Inquiry. This must be reported directly to the Board of Directors within seven working days. They can:
 - a. Refer it to the Regimental Commander Officer.
 - b. Refer it to the Brigade Commander.
 - c. Refer it to the Lord General.
 - d. Request an investigation by the Judge Advocate General
 - e. Suspension from SK activities (as per the suspension rules, in Section 2 above) while investigation (by the JAG or other Investigating Officer appointed) is taking place in line with any of the above procedures.
- 10. The Adjutant General **cannot** solely **dismiss** a member from the Society.
- 11. The Adjutant General **cannot reduce in rank or appointment** a member of the Society without either one of the below:
 - a. A full Tribunal or

- b. The agreement of the member's Commanding Officer (copying in the appropriate brigade and army command structure)
12. However, in the case of 12a or 12b above, the Adjutant General can make a recommendation to the member's Commanding Officer for that action. (See below).

Adjutant General's Tribunal

13. The Adjutant General can convene an Adjutant General's Tribunal.
14. In the case that the Adjutant General does not convene a Tribunal, they must offer the member concerned the chance to sit before a Tribunal if they do not feel the disciplinary action awarded is fair. However, in this case, they must also be warned that an Adjutant General's Tribunal can award the disciplinary action of Dismissal from the Society.
15. The Adjutant General will chair the Tribunal. It will also include two other senior officers above or equal to the rank of the member being charged. There must be one officer from each army to ensure parity.
16. In the case of a Lord General being the subject of this Tribunal, the Board of Directors will make an appointment of a suitable third member of the Tribunal.

Requirements of the Adjutant General's Tribunal

17. Take account of evidence of any of the above Boards of Inquiry.
18. Take account of the outcome of any investigation by the Judge Advocate General, which will be presented and will include the findings as to the facts.
19. Such findings will be accompanied by an opinion of innocence or otherwise of the members involved; it may also include recommendations for further action.
20. The Tribunal can endorse or reject the recommendations of the referring Board of Inquiry and refer it back to the referring Board, make its own judgment as to further action or refer it to the Board of Directors for action.
21. The Adjutant General must inform the Board of Directors of the outcome of the Tribunal.
22. Should the subject(s) of the investigation decline to give evidence or take part in the Tribunal, then it could be seriously detrimental to them, as the rules state that they may not then appeal (unless facing expulsion from the Society and new evidence is presented - see section D1 below). This should be recorded and brought forward at any stage if at all relevant.
23. Actions available to the Adjutant General include:
- a. A written reprimand and warning of future conduct with a period of probation.
 - b. Recommendation for regimental, Brigade Commander, Lord General or Board of Directors' action (including dismissal).
 - c. Reduction in rank or appointment.
 - d. Suspension from SK activities for a set period in line with the above procedure.
 - e. Suspension of membership with a recommendation to the Board of Directors for dismissal from the Society.

Rights of members being investigated

24. Members will:

- Be informed in writing by the Investigating Officer that they are being investigated and the allegation upon which this is based.
- Be provided with evidence either in writing or in person as to the alleged offence.
- Be informed at least seven days in advance of the date, time and place of the Adjutant General's Tribunal and be provided with details of the alleged offence and the evidence to be called in support of this.
- Have the right to attend the Adjutant Generals Tribunal and be heard.
- Have an SK Full Member of their choice attend the Adjutant General's Tribunal with them.
- Be informed of the outcome of the Adjutant General's Tribunal in writing.

25. There is no right of appeal from a decision of the Adjutant General's Tribunal except in matters relating to a recommendation for expulsion from the Society or where the accused wishes to present new evidence which was not previously available to a Board of Inquiry or the Tribunal. Such new evidence shall first be presented to the Judge Advocate General who shall determine whether there are sufficient grounds for appeal.

D: Appeal to the Board of Directors

1. There is no right of appeal from a decision of the Adjutant General's Tribunal except:
 - a. In matters relating to a recommendation for expulsion from the Society.
 - b. Where the accused wishes to present new evidence which was not previously available to a Board of Inquiry or the Tribunal.
 - c. Should the accused have declined to give evidence at or take part in the Adjutant General's Tribunal, they forfeit their right of any appeal on the grounds of this specific clause, unless this relates to expulsion from the Society, in which case they may appeal under (1b) above.
 - d. In these cases, an appeal, if submitted, will be heard by a Special Meeting of the Board of Directors in accordance with Articles 6 (I) and 6 (ii) of the Society's Articles of Association.
 - e. Three members of the Board of Directors who have not previously heard the case will comprise the Appeals Committee.
2. Such new evidence shall be presented to the Adjutant General and Chair of the Board, who shall determine whether there are sufficient grounds for appeal to the Board of Directors.
3. The rights of members able to appeal are:
 - a. To have seven clear days' notice of the meeting.
 - b. To attend the meeting.
 - c. To give at the meeting any reasons why they should not be expelled from the Society.
 - d. Have the right to be accompanied by a Full Member of the SK of their choice.
 - e. To be told of the outcome on the day, which will be followed up with written confirmation within seven days.
4. The members involved must withdraw from the meeting while a decision is made.

E: Complaints made against a member of the Board of Directors

1. In the case of a complaint being made against a member of the Board of Directors, the case should follow the Adjutant General Complaints and Discipline Procedure.
2. Any suspension of any member of the Board of Directors must be made in the same manner as for any other member, with the reasons submitted to the Limited Board in writing.
3. In the case of the Adjutant General referring a course of action to the Board regarding the Chair of the Society, including suspension, three members, including the Vice Chair and excluding the Adjutant General, must reach a majority decision. The Vice Chair will communicate this in writing within seven days.
4. In the case of the Adjutant General being accused, the Chair, Vice Chair and one other Director must decide on the course of action required. This must be communicated by the Chair in writing within seven days.
5. If an investigation into the Adjutant General is required, then three other Directors (excluding the Adjutant General) will investigate as an Investigation Panel in conjunction with the JAGs. One of these Directors should be the Chair, who will be the direct link with the JAG. It is the Chair's role to produce a report to the Limited Board of Directors.
6. Any disciplinary report about a member of the Board must be presented to the Board of Directors (excluding three who will form an appeal panel if required) for approval before any action is taken.
7. The Director being investigated has the option of an Adjutant General's Tribunal as per any other member if they do not feel the outcome is justified. In the case of the Adjutant General being under investigation, the Chair of the Investigation Panel will chair the Adjutant General Tribunal with the two other Directors from the Panel. In the case of the Chair being under investigation, the Adjutant General will chair the Tribunal, with the two Lord Generals as the other members of the Tribunal.
8. Following the Adjutant General Tribunal, the Director has right of appeal against a recommendation for expulsion from the Society or where they wish to present new evidence which was not previously available to a Board of Inquiry or the Tribunal. In this case, the three Directors from point 6 above should comprise the Appeal Panel.

F: Probation

1. Following a disciplinary case, members may be placed on 'probation' for a certain period (usually, but not exceptionally, one or two years).
2. During this period, the member cannot be appointed to any administrative role or be promoted.
3. The regimental CO, Brigade Commander, or Lord General must inform the Adjutant General in writing that the member is to be placed on probation, and for what amount of time.
4. The judgement of 'probation for x amount of time' is placed on the member's file held by the Membership Secretary, upon the direction of the Adjutant General.
5. The member's CO is responsible for monitoring the member's behaviour, with reference to the offence committed, for the length of time indicated.
6. The CO is required to report any complaint regarding breaches of discipline by the member during this time directly to the Adjutant General.
7. If anyone else, other than the CO, raises a complaint against the member during that time, then the case will be sent directly to the Adjutant General for their judgment (see section C below).
8. At the end of the probationary period, it is the responsibility of the CO to report the conduct of the member to the Adjutant General.
9. The Adjutant General will then inform the Membership Secretary accordingly to remove the probation marker from the person's record. In the same vein, the Adjutant General must inform the member's CO, Brigade Commander, Lord General and Board of Directors of this.
10. In the case of a member not passing their probation, then the matter will be referred to the Adjutant General to re-open the case and consider the next step, with probation being removed from the options available.

G: Record Keeping

1. Member records shall be open to inspection by the members concerned.
2. Where those records are of a disciplinary nature and are more than seven years old, and the member is still a member of the Society, such records should be disposed of if the member so wishes.

The Society Director for the Sealed Knot Complaints and Discipline Procedure is the Adjutant General. Any enquiry or clarification on any points above should be referred to the Adjutant General.

Implementation Date	January 2024
Date of Review	January 2027