A guide to the procedures followed when a member is alleged to be in breach of the NAJ Code of Conduct

NAJ Disciplinary Procedure

The National Association of Jewellers

Executive Summary

At the National Association of Jewellers (NAJ) we have a responsibility to ensure all members abide by and uphold the NAJ Code of Conduct featuring the NAJ Customer Charter. The Charter, which is printed on every annual membership certificate sets out six expectations and is underpinned by relevant guiding principles based on honesty, integrity and professionalism.

Those jewellery businesses that join the NAJ and sign up to the Code of Conduct and the Customer Charter are permitted to display the Association's Grant of Arms as a symbol of the expectations and guiding principles that they have signed up to.

For members who do not comply with the Code of Conduct, the Association will follow a time-limited process of support and education to ensure that members have full awareness and understanding of the expectations and guiding principles that they have signed up to as NAJ members. If the member then fails to act on the issue that has been identified and the corrective action suggested by the Association's compliance team, the disciplinary process outlined in this document will be initiated.

The NAJ recognises the importance of acting in a fair, transparent and equitable manner to uphold standards of NAJ members as reputable jewellery businesses. The NAJ Disciplinary Procedure is only employed where necessary and as a last resort.

The NAJ's Principal Officer shall have the authority to invoke the Disciplinary Procedure for any member whose conduct is alleged to be in breach of the Association's Code of Conduct incorporating the Customer Charter.

To keep the NAJ Disciplinary Procedure up-to-date and accessible, this document is:

- Made available without charge on request to any member
- Published on the NAJ's website
- Kept under continuous review and updated as appropriate
- Referenced in the renewal process, with a reminder that the NAJ Code of Conduct and Customer Charter is a binding agreement of membership, and that breaches are subject to the NAJ Disciplinary Procedure

View the full NAJ Code of Conduct by visiting **naj.co.uk/code**

THE NAJ CUSTOMER CHARTER

1. Act with honesty, integrity, and professionalism.
2. Describe jewellery, watches and other goods and services for sale fully and accurately.
3. Abstain from any conduct or practice that may mislead or deceive.
4. Act responsibly and sustainably to support the NAJ's commitment to the standards of the Responsible Jewellery Council.
5. Deal with any complaints in a timely and fair manner and, in the event of dispute, clearly explain the NAJ procedure for mediation, providing the NAJ Compliance Officer's contact details to facilitate a timely resolution.
6. Co-operate fully with any enquiry to resolve any disputes and abide by the findings and decision.



The National Association of Jewellers

NAJ Disciplinary Procedure Tree

Official complaint raised against NAJ member

1 Preliminary investigation (by NAJ Compliance Officer)

- Complaint not upheld → No further action
- Upheld (ie: potential breach of the Code of Conduct)

2 Further investigation (recommendations made to member)

- Member adheres to recommendations → No further action
- Member fails to act in given timeframe

3 Formal Investigation (by NAJ Disciplinary Panel)

- Allegation dismissed → No further action
- Allegation upheld

4 Member instructed to take remedial action and/or membership suspended or terminated

- Member complies → No further action
- Member fails to comply → Membership suspension or termination
- Right of appeal

5 Appeals panel review

- Decision overruled → No further action

Decision confirmed. Penalty imposed or voided

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1. Not Abiding or Upholding the NAJ Code of Conduct

1.1 It is a condition of all levels and types of membership that members will always abide by and uphold the following guiding principles as presented in the NAJ Code of Conduct. Members who do not abide by these expectations bring the NAJ and the industry into disrepute through their behaviour. They therefore may be subject to the NAJ Disciplinary Procedure.

Examples of cases that may be reported to the Compliance Officer include:

1.1.1 Members not abiding by all national laws and regulations applicable to running a business in the jewellery industry.

1.1.2 Members not ensuring that all promotional, advertising and selling material and practices comply with national legislation, codes of the Advertising Standards Authority and jewellery industry specific codes.

1.1.3 Members not-proactively protecting their customers against any fraud, misrepresentation or unethical practices.

2. Raising an Allegation

2.1 Information about an alleged breach of the Code of Conduct by a member may be presented to the NAJ Compliance Officer by another NAJ member or a member of the public.

2.2 The allegation must be made in writing by email or letter and, where possible, supported by appropriate documentary evidence.

2.3 The allegation must be recorded and acknowledged by the Compliance Officer within five working days.

3. Preliminary Investigation

3.1 When information about a potential breach is received, the NAJ Compliance Officer shall determine whether, based on the evidence provided, there are grounds to suggest that a breach of the Code of Conduct may have taken place and justifies a formal investigation. The Compliance Officer may request further information or evidence from the originator of the allegation. In most cases a decision as to whether the evidence constitutes the need for a formal investigation will be reached within 28 days.

3.2 As a conclusion of the preliminary investigation the Compliance Officer will decide whether there is a case to answer and whether a formal investigation by a Disciplinary Panel hearing should take place with the reasons for such conclusions to be communicated to the NAJ Principal Officer. This investigation may include research into previous issues of non-compliance with the Code of Conduct.

3.3 All NAJ members are expected to co-operate in all reasonable ways with the Compliance Officer in their investigation of an allegation against a member.

4. Disciplinary Panel

4.1 The Chair of the Disciplinary Panel will be appointed by the Chair and/or President of the Association. This will normally be an NAJ member in good standing and with at least five years of membership, and someone who does not have a conflict of interest with the business under investigation.

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4.2 The Disciplinary Panel shall consist of three members including its Chair. Other members should normally be members in good standing who have relevant knowledge and experience on the matter brought to the panel.

4.3 Any member of the National Committee (NATCOM) shall also be eligible to be a member of the Disciplinary Panel but the number of NATCOM members must not exceed one. Other members of the Disciplinary Panel will be made up of NAJ members.

4.4 If any member of the Disciplinary Panel has any relationship or conflict of interest with the member under investigation, they cannot take part in the process. If this is the case a substitute shall be chosen with immediate effect.

4.5 The Disciplinary Panel will consider the complaint, the Compliance Officer's findings and any other relevant evidence.

4.6 Where, at its initial meeting, the Disciplinary Panel considers that the nature of the allegation presents a serious or immediate risk to consumers, the reputation of the Association, or the wider jewellery industry, the Panel may direct that the member's membership benefits be suspended with immediate effect. This interim suspension is a precautionary measure, does not constitute a sanction, and does not imply any finding of wrongdoing. The suspension shall remain in place until the conclusion of the disciplinary process or until lifted by the Panel .

4.7 The member subject to the allegation of misconduct shall be provided with all copies of the paperwork held by the Disciplinary Panel in advance of any oral or other hearing.

4.8 If the Disciplinary Panel takes the view that any matter arising during the investigation of the allegation should be reported to any regulatory body, it may do so at any time during the proceedings.

4.9 If the Disciplinary Panel decides there is no case to answer the party making the allegation will be informed and the case will be closed. Reasons for this decision will be provided to both parties.

5. Formal Hearing

5.1. The member and person/persons making the allegation are invited to attend the Formal Hearing. Any relevant witness/es shall also be invited to such a hearing.

5.2 The Disciplinary Panel Chair shall fix a date for the hearing (wherever possible in consultation with the parties) and shall serve notice on the member no later than 28 days prior to the date of such hearing.

5.3 The Notice will specify where the Disciplinary Hearing is to take place, the time and date, the charges and particulars and witnesses together with witness statements and/or documentary evidence.

5.4 The member shall confirm in writing within 14 days of the date of the Notice whether they:

5.4.1 admit the particulars of the charge

5.4.2 intend to appear at the hearing or intend to send a representative (if so providing name and address of that representative)

5.5 At least 14 days before the date of the hearing the member shall provide the Chair of the Disciplinary Panel with:

5.5.1 any written submission that they may wish to present to the Disciplinary Panel

5.5.2 the names of any witnesses that they propose to call together with copies of written statements signed by those

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witnesses, which statements shall contain the substance of the evidence which the witnesses will give

5.5.3 a copy of any written evidence upon which they propose to rely on at the hearing

5.6 In proceedings, the member may represent himself or instruct a representative to present his case on his behalf.

6. Findings

6.1 Other than in cases where the charge has been admitted, the Disciplinary Panel shall make all necessary findings of fact upon the evidence presented to it.

6.2 In all cases, the Disciplinary Panel shall determine whether the factual particulars admitted and/or found proved, either individually or in combination lead to a breach of the Code of Conduct.

6.3 The Disciplinary Panel shall reach its decision by simple majority voting as its number is three.

6.4 The decision of the Disciplinary Panel shall be in writing and contain the reasons for it. Those reasons may be incorporated by reference to any other document. Any member of the Disciplinary Panel wishing to express their dissent for the decision may do so and that dissent and any reasons for it will be attached to the decision. The agreement of any Disciplinary Panel member to any decision may be communicated in any reasonable way.

The Disciplinary Panel may order the expulsion of the member from membership.

6.5 The decision of the Disciplinary Panel shall, subject to these rules, be binding on all members. It shall be communicated to the member.

6.6 From establishing that a breach of the Code of Conduct has occurred through to the final decision of the Disciplinary Panel and instigation of any action should take no more than 90 days.

7. Sanctions and penalties

7.1 The Disciplinary Panel may dismiss the allegation in full or in part. If it upholds the allegation in any respect, it must impose one of the sanctions set out below.

7.2 **Remedial action**
The Disciplinary Panel may recommend or specify that the member undertakes a specified course of action such as retraining in addition to remedial actions. For specified remedial actions the sanction will include specific reasonable timelines and the member must evidence undertaking of the necessary action to the Compliance Officer or risk further consequence as set out by the Disciplinary Panel.

7.3 **Suspension**
The Disciplinary Panel may order suspension from membership for a specified period of time, not exceeding three years. Visibility on the NAJ website, the right to use all or any NAJ marketing material, logos, and any other descriptors associated with NAJ membership will also be removed within a timeframe of 14 days. All other benefits will be forfeit.

7.4 **Expulsion**
The Disciplinary Panel may order the expulsion of the member from membership. Anyone who has been expelled from membership may only apply for re-admission upon documentary

evidence that they have undergone retraining or other form of remediation that is acceptable to the Principal Officer. Visibility on the NAJ website, the right to use all or any NAJ marketing material, logos, and any other descriptors associated with NAJ membership will also be removed within a timeframe of 14 days. All other benefits will be forfeit.

7.5 A minimum period of three years must pass before any application to re-join membership will be considered. If any complaints against the member have been made to the NAJ during that time, such application may be rejected for a further period.

7.6 The Disciplinary Panel shall determine the extent of the publicity to be given to the result of its proceedings, with the priority being to protect other members. It may, in any event, communicate fully its findings and refer relevant evidence submitted to an appropriate regulatory body (subject to appeals completion).

8. Appeals

8.1 An appeal against the Disciplinary Panel's decision may be made. The appeal shall be heard by a newly-constituted Appeals Panel. None of the members who sat on the initial Disciplinary Panel are allowed to sit on the re-constituted Appeals Panel. There can only be one appeal.

8.2 The communication of any decision against which an appeal may be brought shall include or be accompanied by a notice stating that an appeal against it may be submitted in writing to the Principal Officer of the NAJ and must be submitted within 14 days from the date of receiving the decision.

8.3 The appeal should state the grounds on which the member is contesting the decision of the Disciplinary Panel.

8.4 Any decision against which an appeal may be brought shall not come into effect until 14 working days after the date of its receipt by the member.

8.5 The submission of an appeal shall suspend its effect until the determination of the appeal unless the Principal Officer decides otherwise.

8.6 The Appeals Panel will conduct the appeal process. The NAJ Chair and/or President will appoint an Appeals Panel Chair, who will in turn appoint Appeals Panel members. If any member of the Appeals Panel has any relationship or conflict of interest with the appellant or person/s who made the original allegation, they cannot take part.

8.7 The Chair of the Appeals Panel shall determine the procedures to be adopted in conducting the appeal hearing except as stated herein.

8.8 After considering the appeal, the Appeals Panel may confirm the decision of the Disciplinary Panel and the penalty imposed or vary either the decision or the penalty.

8.9 The decision of the Appeals Panel shall be communicated to the Principal Officer and by them to the member.

8.10 The decision of the Appeals Panel is final and binding on all parties.

9. Membership of Panels

9.1 No member of a Disciplinary Panel may be appointed to an Appeals Panel for the same or a related case.

9.2 Any member approached to be a member of the Disciplinary Panel or Appeals Panel must

disclose relevant conflicts of interest to the Chair. Only if no conflicts of interest should the member then be invited to join the Disciplinary or Appeals Panel.

10. Confidentiality

10.1 Every person appointed to a Disciplinary or Appeals Panel will be required to sign a confidentiality agreement. The Principal Officer will not provide case papers to any person until they are in receipt of the signed confidentiality agreement.

10.2 With the approval of the Principal Officer case information may be disclosed to any regulatory body, any investigation or prosecuting authority or to any person, body or authority carrying out any role similar to that of regulation, investigation or prosecution in any part of the world.

11. Retention of Case Papers

11.1 The Compliance Officer shall keep a set of the relevant papers concerning the matter investigated for six years from the date of the allegation of the complaint. Such documents will remain confidential subject to the provisions in 10.1 and 10.2.

12. Maintaining Conduct

12.1 NAJ employees and volunteers treat members, supporters and the general public with the upmost courtesy and respect and ask for the same in return.

> Our people have the right to carry out their work without violence, abuse or harassment.

12.2 Our people have the right to carry out their work without violence, abuse or harassment. Any behaviour verbal or physical, which causes staff to feel uncomfortable, embarrassed or threatened, is totally unacceptable.

12.3 The NAJ's Zero Tolerance Policy includes aggression or threats made in person, over the telephone or in written communication including:

12.3.1 Attempted or actual aggressive threatening physical actions made towards any member of staff and/ or volunteer representing the Association

12.3.2 The use of aggressive, threatening or abusive language, (including raising of the voice, swearing and cursing, shouting) which threatens or intimidates a member of staff and/ or volunteer representing the Association.

12.4 To note, our Zero Tolerance Policy applies throughout the Association, as it applies to any employee or panel member from NAJ premises but only in so far as it relates to the business of the practice.

12.5 The NAJ reserves the right to remove any member or customer details, or the details of a member of the public from their systems and cease to correspond with or do business with them.



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Glossary of Terms

Allegation – An assertion made not necessarily with proof, that there has been wrongdoing or misconduct.

Disciplinary Procedure – The formal way with which the NAJ deals with a member's misconduct or unacceptable behaviour.

Code of Conduct – A policy within the NAJ which lays out expectations in regards to member's principles, standards and ethics.

Remedial Action – An action or actions proposed to rectify a breach of the Code of Conduct.

Suspension – The temporary removal of membership status and/or benefits for a reduced period of time.

Expulsion – Membership status terminated.

Formal Hearing – A complete and adjudicative proceeding which includes presentation of evidence, testimony and arguments from all parties.

Who's Who?

The Compliance Officer – Representing general counsel to members to meet legal and membership standards. The Compliance Officer is not part of the Disciplinary Panel but is present to present their report and answer questions from the Panel.

Principal Officer – The person who has ultimate responsibility for implementing the decisions of the organisation, such as a Chief Executive Officer or associated job role.

Chair of The Disciplinary Panel – The Chair can be chosen one or more times and a different Chair can be selected for every Disciplinary Panel. The Chair is appointed by the Chair and/or President of the Association.

Disciplinary Panel member – Chosen by the Chair of the Disciplinary Panel and the Compliance Officer who each will benefit from knowledge and/or experience relevant to the case.

Appeals Panel – chosen by NAJ Chair and Principal Officer.

NAJ Chair – Lead Executive Officer role within the National Committee.

NAJ President – Supporting Executive Officer role within the National Committee.

National Committee (NATCOM) – the governing committee for the Association.



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