



# **Member Conduct, Performance and Grievance Policy**

**2022-2025**

## Member Conduct, Performance and Grievance Policy

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### **Brief Policy Summary:**

LHP is committed to the highest standards of governance and good conduct. On occasion this can be undermined by actions of or omissions by board/committee member(s).

This policy establishes a fair and consistent process to address, investigate and hear allegations of member misconduct or unsatisfactory performance and sets out the process which a member should follow if they wish to raise a grievance and how these concerns will be responded to. This policy is designed to help and encourage members to achieve and maintain appropriate standards of conduct.

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## **1. Introduction**

- 1.1 This policy applies to all LHP Board and Committee members (members), this includes Co-optees and Trainee Board Members, and does not include Executive Directors or any other employees.
- 1.2 This policy sets out the procedure for dealing with allegations of member misconduct or unsatisfactory performance. It describes the steps to be taken to deal with each situation reasonably and, wherever possible, help the member concerned to improve their standards of conduct or behaviour to reach acceptable standards. The LHP Rules allow for removal of a member, however this is an ultimate sanction and unlikely to be a first response.
- 1.3 This policy also sets out the procedure which a member should follow if they wish to raise a concern/grievance – for example on their service agreement, health and safety issues, new working practices, equal opportunities and relationships at Board and Committees. If the grievance relates to another member or an LHP policy/process, this policy will apply in considering and concluding the matter. If the grievance relates to an LHP employee, then the LHP employee disciplinary procedure will apply.
- 1.4 The procedure is shown in Appendix A.

## **2. Obligations**

- 2.1 Members must act in the best interests of LHP and not bring LHP into disrepute by their actions or omissions.
- 2.2 Members must comply with relevant governance and related documents and professional codes of practice, including those listed at the start of this policy and comply with the law. Any breaches will be treated extremely seriously by both the Board and LHP.
- 2.3 Members must comply with and uphold collective decisions.
- 2.4 Members must reaffirm their commitment to their obligations via annual performance appraisal, member agreements and declarations of interests.
- 2.5 Members who are a tenant, shared owner, or leaseholder of LHP must also comply with their tenancy or lease conditions. Any tenant or leasehold member who finds themselves in breach of their tenancy or lease conditions must inform their Housing Officer, the Assistant Director of Governance and Regulation and the Chair promptly of the reason for the breach and agree ways in which the situation can be rectified; they will be treated with the same pragmatic response afforded to any tenant or leaseholder.

## **3. Principles**

- 3.1 In all cases, we will discuss any issues informally at an early stage to find a solution.

- 3.2 At every stage of the procedure the member will be advised of the nature of the complaint against them and will be given the opportunity to state their case before any decision is made.
- 3.3 Investigations will be carried out within a reasonable timescale that considers the availability of people involved, the need to resolve issues quickly and the reputation of LHP. A minimum of five working days' advance notice will be given for a formal meeting or hearing held in relation to this policy.
- 3.4 The leads and supports for the procedures within this policy are:
- Board Chair leads with support from the SID (with Audit Committee Chair as support reserve if the SID is absent or the issue concerns the SID); or
  - where the Chair is absent or the issue concerns the Chair, the SID leads with support from the Audit Committee Chair.
- 3.5 For any formal meetings or hearings held as part of this policy a minute taker will be present to take minutes. Minutes of meetings/hearings, notes of discussions, correspondence and reports will be kept on file confidentially.
- 3.6 The Chief Executive, Assistant Director of Governance and Regulation and appropriate legal advisors will provide governance advice, as appropriate, for the procedures within this policy and may be present at meetings and hearings to provide advice if required. The lead or the People and Governance Committee (PGC) will have power to instruct one or more advisers to carry out part or all the investigation on its behalf.
- 3.7 For any formal meetings or hearings held as part of this policy, where the member or their chosen companion is unable to attend and provides a good reason for failing to attend, the meeting/hearing will be adjourned to another day. Other than in very exceptional circumstances, if the member and, or their chosen companion are unable to attend the rearranged meeting/hearing, the rearranged meeting/hearing will take place in their absence. The member's chosen companion may attend if the member is unavailable and will be allowed the opportunity to present the member's case. The member will also be allowed to make written submissions in such a situation.
- 3.8 Any member subject to investigation or raising a grievance under this policy will not be able to attend or be considered part of the quorum at any PGC hearing or Board meeting considering the issue, other than to attend to present their case or answer questions.
- 3.9 The LHP Chair or Senior Independent Director (SID) both have the power to suspend a board member pending discussions and/or investigations if the issue is very serious/gross misconduct.

#### **4. Standards of Conduct/Performance**

- 4.1 It is the Board/Committee Chair's responsibility to monitor and review member performance and conduct through regular check-ins and the member appraisal process.
- 4.2 Where performance or conduct falls short of LHP's expected standards, the Board/Committee Chair will bring this to a member's attention. This informal action/standard setting will be done on a one-to-one basis and be documented but is not part of the formal procedure. These documents may be used as reference material if the conduct does not improve.
- 4.3 Board/Committee Chair's should not wait for a scheduled appraisal to address an issue. They should arrange to meet with the member to make them aware of any concerns as soon as possible. The member can then address matters promptly.

#### **5. Raising a Grievance/Dispute or Conduct/Performance Issue Informally**

- 5.1 If a member is unhappy about treatment they have received or about any aspect of their involvement with LHP, they should in the first instance attempt to resolve the situation on an informal basis outside of a Board or Committee meeting. If the issue involves relationships with other members, if they feel unable to approach the individual directly, the member should approach the Senior Independent Director (SID) or Chair of the Board (if regarding the SID) who will provide advice to help resolve the issue. If relevant, the lead will discuss the issue with both members informally to agree a solution.
- 5.2 If the issue relates to a policy or process – for example service agreement, health and safety issues, new working practices, equal opportunities the member should discuss with the responsible Executive Director, Chief Executive or Assistant Director of Governance and Regulation to agree a solution. If they feel unable to approach the individual directly, the member should approach the Senior Independent Director (SID) or Chair of the Board (if regarding the SID) who will provide advice to help resolve the issue. If relevant, the lead will discuss the issue with relevant individuals to agree a solution.
- 5.3 If there is a minor issue which relates to a members conduct or performance, the lead will be notified and will discuss the issue with the member informally (if relevant to do so) and refer to the relevant Code/governance document and detail the breach it is alleged has occurred. This will usually be because of a breach of a member's obligations or some other act or omission which is not in keeping with the individual holding office as a member. Examples of minor misconduct include poor timekeeping or attendance, minor breach of policy/procedure, temporary change in behaviour or poor performance. Any recommended action such as training, coaching or additional support will be agreed between the lead and the member.

## **6. Investigation**

### **Formal Stage**

- 6.1 If the grievance/dispute issue cannot be resolved informally or the issue continues, the grievance should be raised in writing with the lead to be considered within this procedure. The lead and support will arrange a formal meeting with the member(s) to discuss the issue.
- 6.2 If the issue relating to a members conduct or performance cannot be resolved informally, it is not relevant to raise the issue informally as it is not considered to be minor or the issue continues, the lead and support will arrange a formal meeting with the member to discuss the issue.
- 6.3 Following the formal meeting, a letter outlining the concerns and the actions agreed will be provided by the lead to the member(s) concerned.

### **Hearing**

- 6.4 If a conclusion or consensus is not achieved at the Formal stage, or a further issue arises, the lead will pass the matter to the PGC. A special meeting will be convened to hear from the lead and the member(s) concerned and consider the matter.
- 6.5 At the hearing. the member will be permitted to set out their case and answer any allegations. The member will be given a reasonable opportunity to ask questions, present evidence and call relevant witnesses. They will also be given the opportunity to raise points about any information provided by witnesses.
- 6.6 Where the PGC intends to call relevant witnesses, the member will be given 5 working days' notice.
- 6.7 The member must give 2 working days' notice if they intend to call relevant witnesses.
- 6.8 The PGC may adjourn the hearing if it appears necessary or desirable to do so (including for the purpose of gathering further information). The member will be informed of the period of any adjournment.
- 6.9 If further information is gathered, the member will be allowed at least 5 working days, to consider the new information prior to reconvening.
- 6.10 Upon completion of the hearing, the PGC will produce a report to the LHP board and a letter outlining the concerns and the actions agreed will be provided by the Chair to the member(s) concerned.
- 6.11 The decision and recommendations of the hearing will be final with no further appeals or review, except for a decision to remove a member. This decision can only be taken by the Board, following a recommendation by the People & Governance Committee.
- 6.12 If the recommendation is for removal of a member, this will be considered by the LHP board as a matter of urgency, in line with the LHP Rules, and the member concerned will be able to attend part of the meeting to make representations and

informed in writing of the decision. In the meantime, the lead will notify the member concerned that they are suspended (with remuneration, where this is paid).

- 6.13 The LHP board's decision in respect of the removal of a Board member is final and there is no further appeal.

## 7. Mediation

- 7.1 In some circumstances, it may be appropriate for the matter to be dealt with using mediation, depending on the nature of the grievance. This involves the appointment of a third-party mediator, who will discuss the issues raised with all of those involved and seek to facilitate a resolution. Mediation will be used only where all parties involved in the grievance agree and will be sourced by the Assistant Director of Governance and Regulation on behalf of the leads.

## 8. Member Rights

- 8.1 **Right to be accompanied** - A member will have the right to be accompanied by a fellow member (chosen companion) at any meeting or hearing as part of the procedures within this policy, however arranging this companion is the responsibility of the member concerned. At a meeting or hearing, the companion will be allowed to address the meeting/hearing however the member concerned will be expected to answer questions directed to them. Representation from external sources will not be permitted unless this is considered as a reasonable adjustment for members that are considered as having a protected characteristic according to the Equalities Act 2010.
- 8.2 **Recording of Meetings** - Unless all parties agree or reasonable adjustments are required under the Equality Act 2010, the recording of any meeting held as part of this policy is not permitted to encourage openness and full participation from all parties.
- 8.3 **Behaviour** - Everyone involved in this procedure is entitled to be treated calmly and with respect. LHP will not tolerate abusive or insulting behaviour from anyone taking part in these procedures and will treat any such behaviour as misconduct.

## 9. Recommendations

- 9.1 On completion of an investigation under this policy, recommendations may include any one or more of the following:
- no further action be taken, and any suspension be lifted; or
  - the member be removed from office; or
  - the member be instructed to issue a formal/public apology; or
  - the member be instructed to undergo specific additional training / mentoring / coaching / development / counselling; or
  - the member be suspended for an appropriate period of time; or



- the member be stripped of additional responsibilities (e.g., Chair, Vice-Chair, committee membership); or
- another sanction determined by the lead or Governance and People Committee.

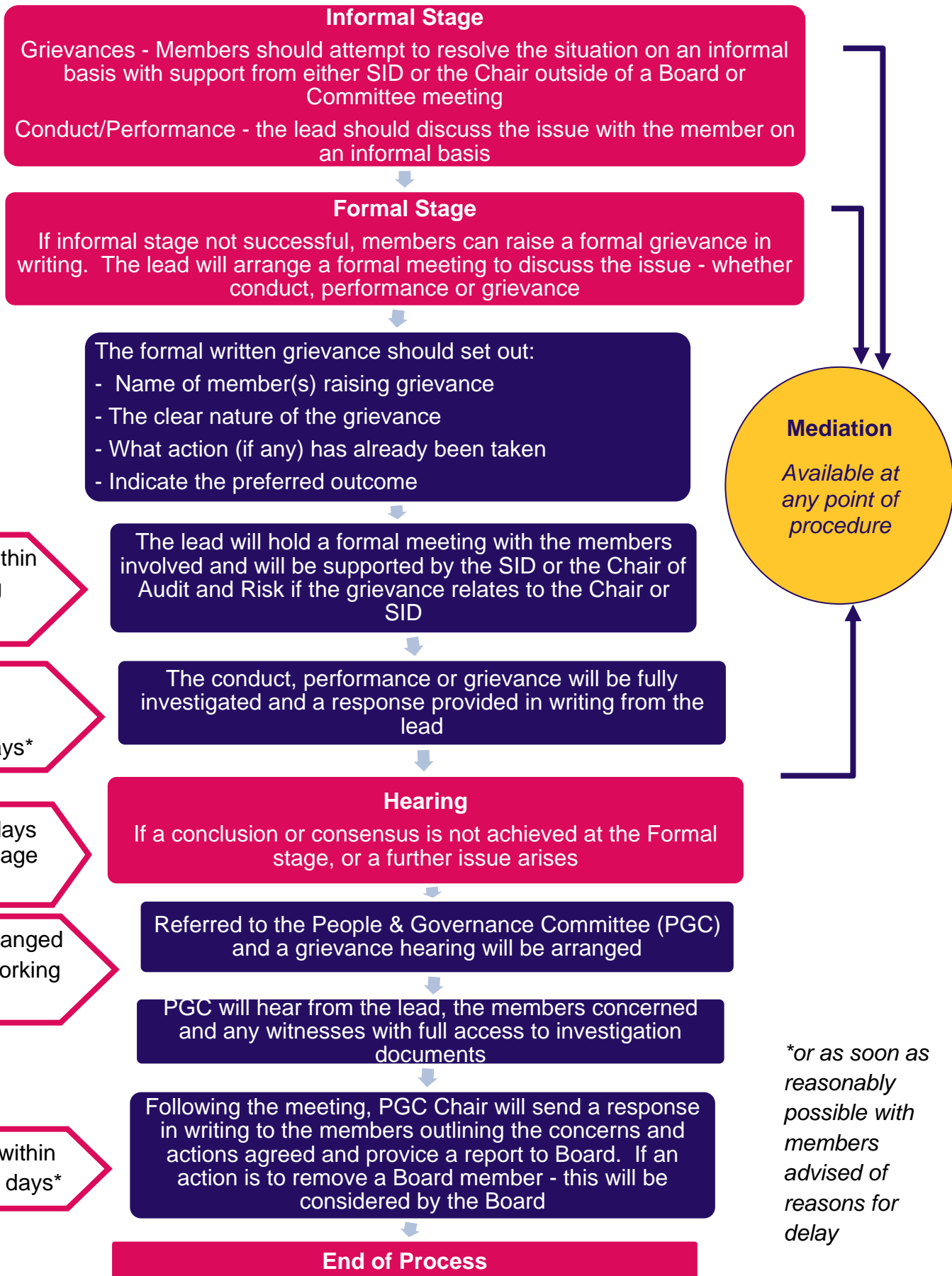
## **10. Equality & Diversity**

10.1 This policy will be applied fairly to all members. We will not directly or indirectly discriminate against any person or group of people because of their race, religion, gender, marital status, sexual orientation, disability, or other grounds set out in our Equality and Diversity Policy.

10.2 When applying this policy, we will act sensitively towards the diverse needs of members and to reduce discrimination and harassment by:

- considering requests from members for specific assistance related to protected characteristics and providing them where reasonable and practicable; and
- providing information in appropriate formats.

## Appendix A: Conduct, Performance & Grievance Procedure



## 8. Equality Impact Assessment

Board Member Grievance & Disputes Policy			
This policy establishes a fair and consistent process to address, investigate and hear allegations of member misconduct or unsatisfactory performance and sets out the process which a member should follow if they wish to raise a grievance and how these concerns will be responded to			
Completed By:	Nicola Ebdon	Date:	16 June 2022

### Guidelines: Things to consider

- Where a negative (i.e., adverse) impact is identified, it may be appropriate to make a full EIA (see Stage 2), or, as important, take early action to redress this – e.g., by abandoning or modifying the initiative. NB If the initiative contravenes equality legislation, it must be abandoned or modified.
- Where an initiative has a positive impact on groups/community relations, the EIA should make this explicit, to enable the outcomes to be monitored over its lifespan.
- Where there is a positive impact on particular groups, does this mean there could be an adverse impact on others, and if so, can this be justified? - e.g. Are there other existing or planned initiatives which redress this?
- It may not be possible to provide detailed answers to some of these questions at the start of the initiative. The EIA may identify a lack of relevant data, and that data-gathering is a specific action required to inform the initiative as it develops, and to form part of a continuing evaluation and review process.
- It is envisaged that it will be rare for full impact assessments to be required. Usually, where there are particular problems identified in the screening stage, it is envisaged that changing the approach at this stage, and/or setting up a monitoring/evaluation system to review a policy's impact over time will tackle the problem.

## STAGE 1: SCREENING

This stage establishes whether a proposed initiative will have an impact from an equality perspective on any particular group of people or community – i.e., on the grounds of race, religion/faith/belief, gender (including transgender), sexual orientation, age, disability, or whether it is “equality neutral” (i.e., have no effect either positive or negative).

**Q 1. Who will benefit from this initiative?** Is there likely to be a positive impact on specific groups/communities (whether they are the intended beneficiaries), and if so, how? Or is it clear at this stage that it will be equality ‘neutral’ i.e., will have no particular effect on any group? *Please consider all aspects of Diversity including as a minimum: Age, Disability, Gender/Transgender, Race/Ethnicity, Religion/Faith/Belief, Sexuality*

This policy applies to all Board & Committee Members including co-optees, independent Committee members and Trainee Board Members and is equality neutral.

**Q 2. Is there likely to be an adverse impact on one or more minority/under-represented or community group because of this initiative?** If so, who may be affected and why: Or is it clear at this stage that it will be equality ‘neutral’? *Please consider all aspects of Diversity including as a minimum: Age, Disability, Gender/Transgender, Race/Ethnicity, Religion/Faith/Belief, Sexuality*

No – it is expected that this policy will be equality neutral – as will be applied consistently to all members.

**Q 3. Is there sufficient data on the target beneficiary groups/communities?** Are any of these groups under or overrepresented? Do they have access to the same resources? What are your sources of data and are there any gaps? *Please consider all aspects of Diversity including as a minimum: Age, Disability, Gender/Transgender, Race/Ethnicity, Religion/Faith/Belief, Sexuality*

LHP collects diversity data on its members and compares the diversity profile of the group of members to the profile of the communities within which LHP serves (ONS data). This data is published on the LHP website and refreshed annually with any gaps identified informing succession planning. Adjustments can be made to ensure that individual needs can be met in the delivery of the grievance procedure, where requested. There is no evidence to suggest that any member is treated less favourably via this policy.

**Q 4. Outsourced services – if the initiative is partly or provided by external organisations / agencies, please list any arrangements you plan to ensure that they promote equality and diversity.** *Please consider all aspects of Diversity including as a minimum: Age, Disability, Gender/Transgender, Race/Ethnicity, Religion/Faith/Belief, Sexuality*

Mediation may be sort via a third party if deemed a suitable solution for a grievance or dispute raised and all parties agree. Mediation service agreements are in place through our anti-social behaviour service or could be sought separately. As part of all LHP tenders, prospective suppliers are asked to show compliance with all relevant equality and diversity legislation, keep up to date with any developments and changes in legislation and are aware of, and comply with, LHP’s Equality and Diversity Policy.

**Q 5. Is the impact of the initiative (whether positive or negative) significant enough to warrant a full impact assessment – see guidance?** If not, will there be monitoring and review to assess the level of impact over a period of time? *Please consider all aspects of Diversity including as a minimum: Age, Disability, Gender/Transgender, Race/Ethnicity, Religion/Faith/Belief, Sexuality*

No.

**Q 6. To be completed at six monthly review Detail** actions taken to assess the level of impact over a period of time, or to address any gaps in data. *Please consider all aspect of Diversity including as a minimum: Age, Disability, Gender/Transgender, Race/Ethnicity, Religion/Faith/Belief, Sexuality*