



**Member Conduct, Performance and
Grievance Policy
2025-2028**

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.

Contents

Introduction.....	4
Obligations.....	4
Principles.....	4
Monitoring Standards of Conduct/Performance.....	6
Appendix A: Conduct, Performance & Grievance Procedure.....	7
Raising a Grievance/Dispute or Conduct/Performance Issue Informally.....	7
Investigation.....	8
Recommendations.....	9
Appendix B: Conduct, Performance & Grievance Flowchart.....	10
Equality and Quality Impact Assessment (EQIA).....	11

Introduction

1. This policy applies to all LHP Board and Committee Non-Executive Directors (members), this includes Co-optees and Trainee Non-Executive Directors and does not include Executive Directors or any other colleagues.
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.
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 colleague, then the LHP colleague disciplinary procedure will apply.
4. The procedure is shown in Appendix A.

Obligations

5. Members must act in the best interests of LHP and not bring LHP into disrepute by their actions or omissions.
6. 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.
7. Members must comply with and uphold collective decisions.
8. Members must reaffirm their commitment to their obligations via annual performance appraisal, member agreements and declarations of interests.
9. Members who are a customer of LHP must also comply with their tenancy or lease conditions. Any customer member who finds themselves in breach of their tenancy or lease conditions must inform their Neighbourhood Officer, the Corporate Head 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 customer.

Principles

10. Everyone involved in this policy and 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.

11. In all cases, we will discuss any issues informally at an early stage to find a solution.
12. 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.
13. 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.
14. The leads and supports for the procedures within this policy are:
 - Board Chair leads with support from the Senior Independent Director (SID) (with Audit & Risk 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 & Risk Committee Chair.
15. 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. 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.
16. The Chief Executive, Corporate Head 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.
17. 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 Corporate Head of Governance and Regulation on behalf of the leads.
18. 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.

19. Representation from external sources will be permitted, including but not limited to support persons, advocates or legal representatives, where this is considered appropriate or necessary by the member. Where external representation is requested, the arrangement must be agreed in advance with the Investigation Lead. Agreement will not be unreasonably withheld, particularly where the request relates to ensuring effective participation, addressing complex matters, or supporting reasonable adjustments under the Equality Act 2010.
20. 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.
21. 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.
22. The LHP Chair or SID both have the power to suspend a member pending discussions and/or investigations if the issue is very serious/gross misconduct.
23. The LHP board's decision in respect of the removal of a Board member is final and there is no further appeal.

Monitoring Standards of Conduct/Performance

24. 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.
25. 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.
26. 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.

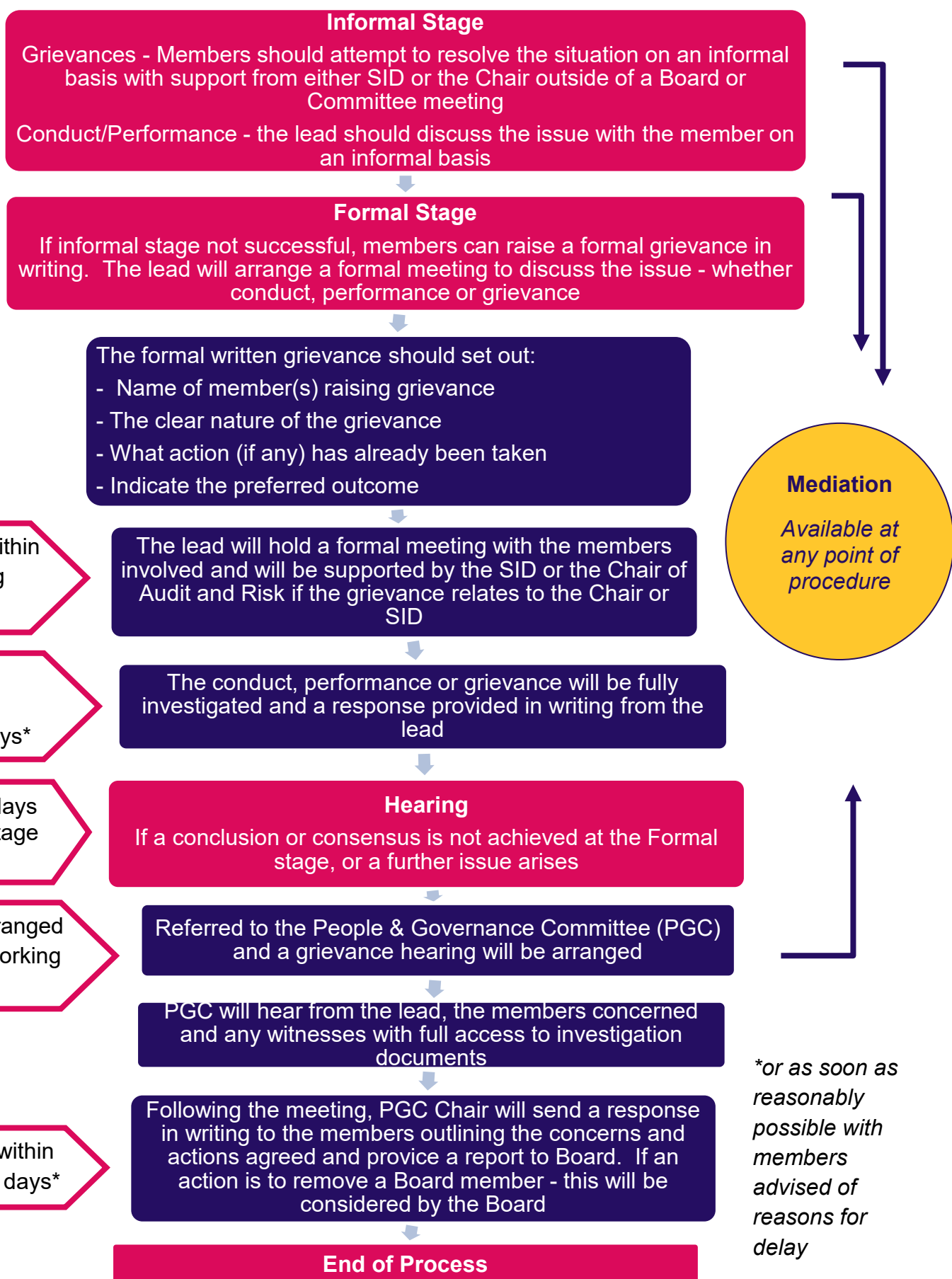
Appendix A: Conduct, Performance & Grievance Procedure

Raising a Grievance/Dispute or Conduct/Performance Issue Informally	
Member unhappy about treatment they have received or about any aspect of their involvement with LHP	<p>In the first instance attempt to resolve the situation on an informal basis outside of a Board or Committee meeting.</p> <p>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.</p> <p>If relevant, the lead will discuss the issue with both members informally to agree a solution.</p>
Issue relates to a policy or process – for example service agreement, health and safety issues, new working practices, equal opportunities	<p>The member should discuss with the responsible Executive Director, Chief Executive or Corporate Head of Governance and Regulation to agree a solution.</p> <p>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.</p>
<p>Minor issue which relates to a member's conduct or performance.</p> <p>Examples of minor misconduct include poor timekeeping or attendance, minor breach of policy/procedure, temporary change in behaviour or poor performance.</p>	<p>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.</p> <p>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.</p> <p>Any recommended action such as training, coaching or additional support will be agreed between the lead and the member.</p>

Investigation	
<p>Formal Stage</p> <p>If the grievance/dispute issue cannot be resolved informally or the issue continues</p>	<p>The grievance should be raised in writing with the lead to be considered within this procedure.</p> <p>The lead and support will arrange a formal meeting with the member(s) to discuss the issue.</p> <p>If the issue relating to a member's 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.</p> <p>Following the formal meeting, a letter outlining the concerns and the actions agreed will be provided by the lead to the member(s) concerned.</p>
<p>Hearing</p> <p>If a conclusion or consensus is not achieved at the Formal stage, or a further issue arises</p>	<p>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.</p> <p>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.</p> <p>Where the PGC intends to call relevant witnesses, the member will be given 5 working days' notice.</p> <p>The member must give 2 working days' notice if they intend to call relevant witnesses.</p> <p>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.</p> <p>If further information is gathered, the member will be allowed at least 5 working days, to consider the new information prior to reconvening.</p> <p>Upon completion of the hearing, the PGC will produce a report to the LHP board and a letter</p>

	<p>outlining the concerns and the actions agreed will be provided by the Chair to the member(s) concerned.</p> <p>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.</p> <p>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).</p>
Recommendations	
On completion of an investigation under this policy, recommendations may include:	<ul style="list-style-type: none"> • no further action be taken, and any suspension be lifted; • the member be removed from office; • the member be instructed to issue a formal/public apology; • the member be instructed to undergo specific additional training / mentoring / coaching / development / counselling; • 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 People and Governance Committee.

Appendix B: Conduct, Performance & Grievance Flowchart



Lincolnshire Housing Partnership (LHP) Equality and Quality Impact Assessment (EQIA)

Title of Policy/Event/Decision: Member Conduct, Performance & Grievance Policy

Lead Officer(s): Corporate Head of Governance & Regulation

Date of EQIA: 01 April 2025

Scope and Purpose	
Briefly describe the policy/event/decision being assessed:	This policy sets out LHP's expectations of Board and Committee member conduct, including how to raise and respond to grievances, address underperformance or misconduct, and ensure a fair, proportionate and consistent process is applied.
What is the aim or purpose of this policy/decision?	To promote high standards of conduct and governance amongst Board and Committee members by clearly setting out the process for managing grievances, concerns or performance issues in a transparent, inclusive and accountable manner.
Which departments or groups will be affected by this policy/event/decision?	LHP Board and Committee Non-Executive Directors (including co-optees and trainees)
Data Collection and Evidence	
What data or evidence have you used to identify how different groups may be affected? (e.g., tenant demographic data, service usage statistics, consultation feedback)	<p>EDI data return for Board composition (as of March 2025)</p> <p>Sector best practice (NHF Code of Governance)</p> <p>Regulatory Expectations (RSH Standards)</p> <p>Previous informal and formal conduct processes (nil)</p>
What does this data tell you about the potential impacts on different equality groups?	<p>The Board's composition shows relatively good gender balance but relatively low numbers of those that identify with a work limiting disability and caring responsibilities. There is a high proportion of those between 45-54 (37.5%) and over 55 (37.5%) with limited diversity in relation to race and religion.</p> <p>There is a risk that formal procedures may be perceived as intimidating or inaccessible for members from underrepresented groups or with particular needs (e.g. neurodiverse members, those with mental health concerns).</p>

RAG Impact Assessment on Protected Characteristics

Use the RAG system to assess the level of potential impact for each protected characteristic:

- **Red (High Risk):** Significant potential for negative impact requiring immediate action to mitigate.
- **Amber (Medium Risk):** Some potential for negative impact, which can be mitigated with changes.
- **Green (Low or No Risk):** Little to no negative impact identified.

Ensure that you state reasons (the why) for your justifications.

Protected Characteristic	Impact (Positive, Negative, Neutral)	RAG Rating	Description of Potential Impact	Mitigation/ Enhancement Actions	Responsible Officer
Age	Neutral		Policy is role based, not age based. No age barriers identified	N/A	N/A
Disability	Potential Barrier		Meetings or investigations may be stressful or inaccessible	Offer reasonable adjustments, use plain English and accessible formats	CHoGR
Gender Reassignment	Neutral		No direct impact identified	Maintain inclusive culture, use appropriate pronouns in hearings	CHoGR
Marriage and Civil Partnership	Neutral		No impact anticipated	N/A	N/A
Pregnancy and maternity	Potential exclusion		Risk of missed meetings or discomfort during formal procedures	Offer hybrid options, flexibility in hearing scheduling	CHoGR

Race	Neutral		No impact anticipated	N/A	N/A
Religion or Belief	Potential barrier		No direct impact, but meeting scheduling must be sensitive	Avoid hearings during key religious observances	CHoGR
Sex	Neutral		No identified impact	N/A	N/A
Sexual Orientation	Neutral		No identified impact	N/A	N/A
Mitigating Negative Impact					
What actions will you take to reduce or mitigate any identified negative impacts? Provide specific mitigation measures for each characteristic where a negative impact (Red or Amber rating) was identified.	This policy promotes fairness, support and early intervention, including informal resolution, coaching and mediation – helping reduce risks of exclusion or disproportionate outcomes. Mitigation measures have been identified to ensure adjustments to accessibility are made where necessary. Analysis will be completed on cases managed under this policy to ensure no adverse effect on underrepresented groups.				
Who is responsible for implementing these actions?	Corporate Head of Governance & Regulation				
Consultation and Engagement					
Have you consulted any stakeholders or equality groups? If so, who and how?	EDI data return for Board composition (as of March 2025). Leadership Team, People & Governance Committee and Board to review the whole policy.				
What feedback have you received, and how has this influenced your assessment?	There has been no feedback as no cases (to date) have been managed using this policy. We will positively engage with Non-Executive Directors with lived experience of protected characteristics potentially impacted by this policy such as disabled members, carers, and those from diverse racial and faith backgrounds to test inclusivity in this policy and other governance processes.				

Decision Making	
How has this EQIA informed or influenced the final decision?	<p>The EQIA helped ensure the policy included:</p> <ul style="list-style-type: none"> • clear routes for informal and proportionate handling • flexibility in meeting arrangements • commitment to reasonable adjustments under the Equality Act 2010 • right to be accompanied and submit written statements
Were any changes made to the policy/decision as a result of the EQIA?	<p>Additional mitigations and enhancements to ensure inclusive identified as part of impact assessment. Although no specific changes to the Policy, when delivering the process, we will ensure:</p> <ul style="list-style-type: none"> • reasonable adjustments are available for accessibility; • respectful and sensitive to diversity by using appropriate pronouns and avoidance of key religious observances; and • flexible options in scheduling to meet individual needs
Monitoring and Review	
How will you monitor the actual impact of the policy/decision once it is implemented?	<p>Cases managed under this policy will be tracked and analysed by the Governance Team annually using EDI data to assess impacts. Specific metrics to be analysed are:</p> <ul style="list-style-type: none"> • number of conduct, performance and grievance issues by protected characteristic and identify any negative impacts where positive action may be required • seek feedback following the process from participants who engage in the policy process either formally or informally to assess whether it was perceived as fair, supportive and accessible • 100% of adjustment requests to be documented and actioned
When will the policy/decision be reviewed?	<p>June 2028.</p> <p>Interim reviews will occur if the regulatory framework or feedback indicates the need for amendment.</p>
Sign-Off EQIA Completed By: <i>Lead Officer(s) Name(s):</i> <i>Date:</i>	<p>Jess Hyland</p> <p>03 April 2025</p>
Approved By: <i>Approval Name:</i> <i>Date:</i>	<p><i>Abigail Iyako</i></p> <p>04 April 2025</p>