CODE OF CONDUCT

FOR

MANAGEMENT COMMITTEE MEMBERS

SEPTEMBER 2016

CONTENTS

ITEM		PAGE
1.	**INTRODUCTION**	**3**
	Purpose of the Code	3
	Application of the Code	3
2.	**AIM, OBJECTIVES and VALUES**	**4**
	Vision, Values & Objectives	4
	Business Plan	4
3.	**ROLES and RESPONSIBILITIES – MANAGEMENT COMMITTEE**	**5**
4.	**ROLES and RESPONSIBILITIES - COMMITTEE MEMBERS**	**6**
	Introduction	6
	The Nolan Principles	6
	Equality	7
	Respect	8
	Confidentiality	8
	Integrity & disclosure	9
	Membership of other groups in Wester Hailes	10
	Representation & advocacy	11
	Payments & benefits	11
	Purchasing	11
	Political activity	12
	Gifts & hospitality	12
	Press & media	12
	Social media	12
	Whistleblowing	13
5.	**BREACHES and FAILURES**	**13**
6.	**POLICIES and PROCEDURES**	**13**
7.	**CONCLUSION**	**14**

APPENDICES

Appendix 1 - Form of Acceptance	15
Appendix 2 - Investigating breaches and failures – procedure	16
Appendix 3 - Related documents	20

1.0 INTRODUCTION

Purpose of the Code

1.1 Being a Committee Member of Prospect Community Housing involves important responsibilities, as the Management Committee has ultimate responsibility for all the actions carried out in the name of Prospect.

1.2 The purpose of this Code is to set out the standards of conduct expected of Committee Members, both collectively and individually, to ensure that the Management Committee:

- upholds and promotes Prospect's aim, objectives and values
- meets its responsibilities
- acts in accordance with its legal obligations
- observes high ethical standards.

1.3 This Code seeks to ensure the highest standards in Prospect's governance arrangements. Our Code of Governance (which this Code of Conduct forms a part of) is based on the Langlands principles – 'The Good Governance Standard for Public Services'.

In all our Codes, policies and procedures etc. we will comply with the law, and with current guidance and 'good practice' issued by the Scottish Housing Regulator, the Office of the Scottish Charities Regulator, the Financial Services Agency (with whom we are registered as an Industrial & Provident Society but not as a provider of financial services) and any other branch of The Scottish Government or any other statutory authority that impacts on the services we provide.

1.4 We are determined that the conduct of Committee Members will give tenants, funders, all relevant statutory authorities, those we contract with and all others involved in our activities the confidence that our affairs are being properly conducted, so that Prospect is protected from any suggestion that our actions are influenced by improper motives.

1.5 This Code aims to help Committee Members in discharging their responsibilities. We recognise however that this Code on its own is not enough, and we will also provide training, support, assistance and advice to Committee Members as required to provide and develop the necessary skills and experience etc. We will seek to ensure that membership of our Committee is a worthwhile experience.

Application of the Code

1.6 This Code applies to the individual conduct of all Committee Members and to their corporate conduct as members both of the Management Committee and of any Working Group(s) to which they may be appointed.

1.7 No new Committee Member, whether elected or co-opted, may act as such until he or she has signed and delivered to the Director the form stating their acceptance of this Code (Appendix 1).

1.8 Following each Annual General Meeting of Prospect, each Committee Member will sign a declaration confirming that they will continue to be bound by this Code.

2.0 VISION, VALUES & OBJECTIVES

2.1 This section re-states our vision, values and objectives, which underpin this Code.

VISION

Providing homes and building communities together.

VALUES

Our values underpin and drive all our activities. They reflect 'who we are' and what we continually seek to achieve.

- Pioneering
- Reliability
- Listening
- Fairness
- Partnership

STRATEGIC OBJECTIVES

Prospect have set the following strategic objectives:

1. **Independence** – thrive as an independent, community based organisation;
2. **Planned property improvements** – invest £4.4 million during the period of the business plan, including work to fully meet the standards set out in the Energy Efficiency Standard for Social Housing (EESSH);
3. **New housing provision** – to build new affordable homes to meet housing need, providing they contribute to the financial health of Prospect;
4. **Affordable rents** – achieve a maximum of inflation (RPI) only rent increased from April 2016;
5. **Customer service** – improve tenant satisfaction (to be measured by the survey results from the next tenant survey);
6. **Community projects** – develop new community projects, and ensure current projects are reshaped appropriately, in partnership with other agencies that meet local priorities.

Meeting the outcomes of the Scottish Social Housing Charter is central to what we do, and the Strategic Objectives collectively are designed to help achieve the outcomes.

Business Plan

2.2 Prospect's work and reputation relies on everyone involved being familiar with and acting in accordance with our vision, values and objectives. These are translated into organisational objectives in our Business Plan.

2.3 Committee Members must ensure that current plans are in line with our vision, values and objectives.

3.0 ROLES and RESPONSIBILITIES – MANAGEMENT COMMITTEE

3.1 The Management Committee's strategic role is to:

- determine Prospect's direction and major objectives;
- ensure that the objectives are in line with the Rules;
- ensure that Prospect meets its legal responsibilities;
- assess the risks facing Prospect and implement measures to eliminate or reduce their effect;
- ensure that proper and effective controls and systems are in place and are implemented;
- regularly review Prospect's performance against published standards and its own objectives;
- hold the Director and Managers to account.

3.2 In carrying out its role, the Management Committee is subject to and must comply with:

- Prospect's Rules;
- all current legislation, statutory regulations and formal guidance applying to housing associations, charities, Industrial & Provident Societies and the activities Prospect is involved in;
- the Committee Code of Governance;
- Prospect's Standing Orders;
- this Code of Conduct;
- all policies approved by the Management Committee;
- other codes of conduct, guidance, 'good practice' principles and standards applicable generally to housing associations or which have been adopted by the Management Committee as applying to Prospect.

3.3 The functions, powers and duties reserved to the Management Committee are set out in the Standing Orders and the Management Committee Remit.

The functions, powers and duties delegated to any Working Groups established by the Management Committee are set out in the Standing Orders and the respective Working Group remits.

The functions, powers and duties delegated to the Director and Managers are set out in the Scheme of Delegation.

3.4 Committee Members have a duty to ensure that:

- they are aware of Prospect's Rules;
- they are aware of Prospect's Standing Orders;
- the functions, powers and duties reserved to the Management Committee are properly exercised in the interests of Prospect;
- the arrangements for delegating some of these functions etc. to Working Groups, the Director or Managers are understood and properly adhered to.

4.0 ROLES and RESPONSIBILITIES – COMMITTEE MEMBERS

Introduction

4.1 Each Committee Member has a personal responsibility to contribute to the effective governance of Prospect. As a Committee Member and as a charitable trustee, he or she has an overriding duty to act in the best interests of Prospect as a whole, irrespective of any other interest which he or she may have as an individual.

4.2 Committee Members must not support or participate in any initiative, activity or campaign which is intended to or which may have the effect of, directly or indirectly undermining or prejudicing Prospect's interests.

The Nolan Principles (Seven Principles of Public Life)

4.3 In carrying out his or her responsibilities, Board Members will ensure that their conduct is based on the following principles, which are known as the 'Nolan' principles and which are designed to ensure that Committee Members' conduct contributes to effective governance:

Selflessness: Committee Members should take decisions solely in terms of Prospect's interests (the public interest). They should not do so in order to gain financial or other material benefits for themselves, their family, or their friends.

Integrity: Committee Members should not place themselves under any financial or other obligation to outside individuals or organisations that might influence them in the performance of their official duties.

Objectivity: In carrying out Prospect's business, including making appointments, awarding contracts etc., a Committee Member should make choices on merit.

Accountability: Committee Members are accountable for their decisions and actions to the public and must submit themselves to whatever scrutiny is appropriate to their office.

Openness: Committee Members should be as open as possible about all the decisions and actions that they take. They should give reasons for their decisions and restrict information only when the wider public interest clearly demands.

Honesty: Committee Members have a duty to declare any private interests relating to their Management Committee duties and to take steps to resolve any conflicts arising in a way that protects the public interest.

Leadership: Committee Members should promote and support these principles by leadership and example.

4.4 In basing their conduct on the above principles a Committee Member should in particular:

- uphold Prospect's vision, values and objectives;
- uphold our policies and act in accordance with our policies and procedures;
- prepare adequately for Committee and where appropriate Working Group meetings, reading circulated papers before the meeting and ensuring that they have the information they need to make informed decisions;
- attend Management Committee and where appropriate Working Group meetings regularly and punctually;
- contribute to Management Committee and where appropriate Working Group decisions, drawing on their skills and experience;
- accept corporate responsibility for Committee decisions, irrespective of any views held or expressed before decisions are reached;
- attend relevant Committee training and other events;
- represent Prospect as appropriate and required;
- avoid using Prospect facilities for personal or private business purposes;
- work as a team with other Committee Members;
- work in partnership with and support Prospect's staff;
- do nothing that cannot be justified to the rest of the Management Committee, tenants, members of Prospect or the public;
- immediately inform the Chairperson and Director of any circumstances that mean he or she may no longer be eligible to act as a Committee Member;
- recognise the need to review the effectiveness of the Management Committee and its Members from time to time.

4.5 In addition to the above points, Committee Members should also comply with the guidance given below under the headings of:

Equality	Respect	Confidentiality	Integrity & Disclosure
Membership of other groups in Wester Hailes			Representation & Advocacy
Payments & Benefits		Purchasing	Political Activity
Gifts & Hospitality		Press & Media	Whistleblowing

Equality

4.6 Prospect is committed to equality of opportunity in every area of its work, including membership of Prospect, membership of the Management Committee and all its activities involving applicants, tenants, staff and other members of the public.

4.7 The actions we will take to achieve equality are set out in our Equality & Diversity Policy.

4.8 Committee Members should take a personal lead in upholding and promoting our commitment to equality and diversity, applying it to their own conduct and relationships and when carrying out their responsibilities.

They should never abuse their powers as Committee Members in their treatment of others and should seek to identify and take action to redress imbalances, barriers and under-representation in Prospect's governance arrangements.

Respect

4.9 Committee Members should treat everyone with respect and consideration. They should foster mutual respect and trust among Committee Members and between Committee Members and members of Prospect's staff.

4.10 During meetings, Committee Members should be considerate of other Members, allowing differing opinions to be expressed and avoiding interruptions. They should show courtesy and consideration towards members of staff attending Committee meetings and in any other contact they have with staff.

4.11 Committee Members should avoid undue or inappropriate familiarity with or antagonism amongst Committee Members, and between or among Committee Members and members of staff, which could compromise the integrity and/or reputation of Prospect.

4.12 Where Committee Members have to be involved in disciplinary or grievance situations involving members of staff, they must ensure that they apply the relevant policies and procedures fairly and appropriately at all times.

Confidentiality

4.13 While our general aim will be to be as open as possible about our activities and decisions, Committee Members will have to keep the following types of information confidential:

- personal information held about individuals (applicants, tenants, Committee Members, members of staff, other users of services) subject to the right of the individuals concerned to have access to the information held about themselves under current data protection legislation
- matters relating to our business activities, financial transactions and those of related or subsidiary organisations, the exceptions being where publishing the information is permitted or required, e.g. publishing annual accounts
- matters relating to the business of our funders, service providers, contractors and other third parties with which we have or may have business or commercial relationships
- matters related to or concerned with legal disputes, actions or similar involving Prospect
- any other matter which is specifically identified as being confidential or which, given its nature, may be regarded as being confidential to Prospect.

4.14 The actions we will take to achieve the desired balance are set out in our policy on Openness and Confidentiality.

Integrity and disclosure

4.15 Committee Members may have personal, family or private business interests which may overlap with or conflict with the interests of Prospect. It is vital that Committee Members act with integrity and ensure that:

- their role and actions as Committee Members are kept separate from their personal, family or employment activities, and
- their personal or private interests do not influence, and cannot be seen to influence, the decisions taken by the Committee.

4.16 Overlapping or conflicting interests can result from:

- **duality of interest:** where a Committee Member or a close relative of a Committee Member stands to gain either personally or through their business interests, by virtue of their involvement as a Committee Member, and
- **conflict of interest:** where a Committee Member has an interest in a matter as a Committee Member and an interest in the same or a connected matter in another capacity (see also paras. 4.20 to 4.25 below on membership of other groups in Wester Hailes).

4.17 It is not enough for Committee Members to avoid acting improperly. They must be seen to act with integrity and avoid all situations which could reasonably give rise to a suspicion of improper or irregular conduct.

In particular, Committee Members must:

- disclose any actual or potential duality or conflict of interests on their part and/or on the part of a close relative (see section 4.18 below) and ensure that each disclosure is recorded in the minutes of the relevant meeting and in Prospect's Register of Interests;
- not take part in any decisions where there is a duality or conflict of interest, or where one could arise;
- not receive any payments or benefits from Prospect other than those which are permitted under current law;
- not abuse their position as Committee Members in order to get preferential treatment from our contractors and suppliers, or to divert or use any opportunity for Prospect to provide a service or housing for the benefit of themselves, a close relative or another organisation;
- keep any political or other similar activities separate from their activities as Committee Members;
- not accept any offers of gifts and hospitality which are or could be perceived as attempts to, or likely to influence the decisions they make;
- refrain from, or stop immediately any activity which is incompatible with being a Committee Member, or resign from that position.

4.18 For the purposes of this Code, a 'close relative' is defined in our policy on Payments, Benefits and Corporate Accountability. However duality or conflicts of interest may arise involving individuals not covered by this definition and should this happen Committee Members will be expected to exercise the same degree of integrity as they would if the individual was a 'close relative'.

Membership of other groups

4.19 It is acknowledged that Committee Members are likely to be members of other groups or have other community responsibilities, both in Wester Hailes and elsewhere. These may include membership of Neighbourhood Councils, Registered Tenants Organisations, community based organisations, etc. Such involvement brings many advantages to Prospect but can also bring actual or potential conflicts of interest.

In order to allow Committee Members to participate fully in other community organisations while protecting Prospect's position, the guidelines in paras. 4.20 to 4.25 below should be followed.

Conduct at meetings of other organisations

4.20 In the event of Prospect business being mentioned **and** where an actual or potential conflict of interests exists, Committee Members will be expected to declare their involvement as a Prospect Committee Member and either take no part in any discussion or argue Prospect's case.

4.21 Committee Members will always treat information about Prospect's business acquired as a result of his/her position as a Committee Member as strictly confidential and not to be shown or imparted to anyone else.

Conduct at Prospect meetings

4.22 In the event of business relating to another organisation (including a Neighbourhood Council) in which a Committee Member is also involved being considered **and** where an actual or potential conflict of interest exists, the Committee Member will be expected to declare their interest as a member of the other organisation and withdraw from the meeting while that item of business is discussed. In the event of there being disagreement about whether a conflict of interest exists, the Chairperson will decide whether a Committee Member should withdraw from that part of the meeting.

Conduct at public meetings

4.23 Committee Members may be involved in other agencies and may find themselves in potentially difficult situations in public meetings where criticism of Prospect is being expressed.

4.24 Committee Members should bear in mind that they determine Prospect's policy and are in a position to change it. They should not support unreasonable criticism, undermine or berate staff, or make negative or derogatory comments regarding Prospect or its policies.

4.25 If Committee Members feel unable to support Prospect or its staff at a public meeting they should take no part in the discussion and ask Prospect's Chairperson to take up the matter.

Representation & advocacy

4.26 Committee Members must not form or enter into any relationship, understanding, association or agreement with a tenant whereby the impression is or may be given that the Committee Member is representing, acting or advocating for that individual's case, cause or interest against Prospect. This applies not only to paid advocacy but also to any arrangements undertaken voluntarily.

4.27 Tenants and other members of the public may, from time to time, approach Committee Members regarding specific matters. Where this happens the Committee Member should recommend that the person deals with the matter by approaching the relevant member of staff, or by using our Complaints procedures.

The only exception to this general rule is where a Committee Member may be approached under our Whistleblowing policy (see also 4.43 – 4.45 below).

Payments & benefits

4.28 No Committee Member or any of their close relatives should gain personally through payments and benefits from Prospect, except as allowed under the law and associated guidance issued by the Scottish Housing Regulator.

4.29 The restrictions on payments and benefits, and the exceptions allowed, are set out in our policy on Payments, Benefits and Corporate Accountability. All Committee Members must recognise the significance of these restrictions and comply with the policy.

4.30 Committee Members must not mix their personal money with Prospect funds.

Purchasing

4.31 To avoid any suspicion that a supplier or contractor may give or be given preferential treatment, Committee Members should wherever possible aim to keep their purchasing decisions as individuals and as Committee Members separate.

4.32 Committee Members should not knowingly use for personal or private purposes any of Prospect's current professional advisors, solicitors, architects, surveyors, engineers, other consultants, builders, maintenance contractors or major suppliers of bulk goods or services. The following exceptions to this general rule will be permitted:

- utility companies, i.e. gas, electricity or water suppliers, or bankers;
- where the use of a supplier is immaterial, e.g. what would be regarded as a normal retail purchase.

4.33 Where a Committee Member considers that there is no practicable alternative to using a current contractor or supplier, he or she must:

- inform the Director, failing whom the Chairperson or Vice Chairperson, about any proposed arrangement in advance
- be able to demonstrate why the proposed arrangement is unavoidable and that they will not obtain any financial advantage or preferential treatment from the proposed arrangement.

4.34 Our arrangements for dealing with these issues are set out in the policy entitled Payments, Benefits and Corporate Accountability.

Political activity

4.35 Committee Members must ensure that in their work for Prospect they do not, either individually or as a group, become associated with, affiliated to, supportive of or against one or more political parties or movements.

4.36 Where individual Committee Members are involved in political activity, they should ensure that their activities and affiliations are kept separate from their work on behalf of Prospect.

Gifts & hospitality

4.37 Committee Members should treat with caution any offer of gifts, favours or hospitality made to them by third parties, as such offers could be seen as attempts to influence the Committee's decisions.

4.38 Gifts and offers of hospitality which are of small value will be permitted, while those of a significant value as defined from time to time by the Management Committee, will be refused.

4.39 All offers of gifts or hospitality, whether accepted or declined, will be reported to the Director so that they may be recorded in the register kept for that purpose. The Director will make the register available for inspection by Committee Members when required and at least once each year.

4.40 Our arrangements for dealing with these issues are set out in our Payments, Benefits & Corporate Accountability policy.

Press & media

4.41 The designated press and media spokespersons for Prospect are the Director and Chairperson (failing whom the Vice Chairperson).

4.42 No Committee Member other than the Chairperson (or Vice Chairperson) may make any statement, representation, give any interview, or enter into any other communication with the press or media concerning, relating to or referring to Prospect or any part or aspect of Prospect's business, operations or plans, without first having received written approval to do so from the Chairperson (failing whom the Vice Chairperson), or from the Director, or the approval of the remainder of the Management Committee.

Social media

4.43 Committee Members will not deliberately identify themselves as Committee Members or that they are linked to Prospect in any way when contributing to websites, blogs, content sharing and social networking sites or any other forms of social media. Committee Members will at all times ensure their conduct is appropriate and consistent with their role, and that they do not bring any disrepute to Prospect's name. If there is any likelihood that the content could identify the user with Prospect the user will ensure that a disclaimer is added stating that the views expressed are those of the individual and do not represent Prospect's views.

4.44 Committee Members will not make any defamatory, actionable or untrue statements about colleagues or anyone else associated with Prospect, or about their work or the organisation, on any blogs, content sharing or social networking sites.

Whistleblowing

4.45 The term 'whistleblowing' refers to the action of an individual within an organisation bringing a matter of concern, normally a potentially serious matter, to the attention of the appropriate senior person in that organisation, or to a relevant external organisation.

Normally such action follows unsuccessful attempts to raise the concern through 'normal channels', but there will also be situations where this may not be possible and 'whistleblowing' is the only option available to the concerned person.

4.46 All Committee Members have a duty to raise any matters of concern they may have about the actions or activities of Prospect, or of individual Committee Members or members of staff. They should raise such concerns with the Director in the first instance, or if the concern relates to the Director, with the Chairperson (failing whom the Vice Chairperson).

4.47 Where a Committee Member feels that having reported the matter to the relevant person, the issue is not being addressed appropriately, he or she may follow our policy on Whistleblowing.

5.0 BREACHES and FAILURES

5.1 A breach of and/or failure to follow this Code may have serious consequences for Prospect. Our work and/or reputation may be damaged as a result of a Committee Member's actions or omissions.

5.2 A breach of and/or failure to follow this Code during a Management Committee or Working Group meeting will be dealt with by the person chairing that meeting. If a Committee Member is obstructive or offensive to, or disregards the authority of the person chairing the meeting, a vote may be taken to exclude him or her from the remainder of the meeting. Following the meeting the Committee Member concerned may be the subject of a written complaint to the Chairperson (failing whom the Vice Chairperson).

5.3 A written complaint to the Chairperson (or Vice Chairperson) that there has been a breach of and/or failure to follow this Code, whether at a Committee meeting or at any other time, will be the subject of an investigation initiated by the Chairperson. Where the complaint is against the Chairperson, the investigation will be initiated by the Vice Chairperson.

5.4 The procedures to be followed during an investigation and in deciding on any resulting action are set out in Appendix 2 to this Code.

6.0 POLICIES and PROCEDURES

6.1 The issues discussed in this Code are covered in a range of policies and procedures approved by the Management Committee (see Appendix 3 for a current list).

6.2 Committee Members should ensure that they either have their own copies of relevant policies or have familiarised themselves with their content, as part of their compliance with this Code.

7.0 CONCLUSION

7.1 The Management Committee will review this Code of Conduct at least every three years.

Reviewed by the Management Committee on 28 September 2016

Next review due by: September 2019

APPENDIX 1

PROSPECT COMMUNITY HOUSING ASSOCIATION LIMITED

CODE OF CONDUCT FOR MANAGEMENT COMMITTEE MEMBERS

COMMITTEE MEMBER DECLARATION

As a Committee Member of Prospect Community Housing Association Ltd. (Prospect) I acknowledge and accept Prospect's Code of Conduct and agree to be bound by its terms. In particular, but without limitation, I agree:

1. to declare all my interests, be they employment, positions of responsibility, membership of other Registered Social Landlords or other groups in Wester Hailes, directorships and any financial interests that may relate to the work of Prospect;

2. not to receive any financial remuneration for my work for Prospect other than reasonable travelling and out of pocket expenses properly incurred in the business of Prospect;

3. to ensure that any private or personal financial or non-financial interests never influence my decisions in connection with Prospect's work and that I will never use my position as a Committee Member for personal gain of any kind;

4. to disclose any direct or indirect pecuniary interest or other non-pecuniary interest in any contracts or business to be considered by the Management Committee which could influence my judgement, and where required by the Chairperson, to withdraw from the meeting during consideration and discussion of such business;

5. to treat as confidential all information relating to the business, policy, organisation, management, future plans, clients, tenants and staffing of Prospect to which I have access and which the Code of Conduct does not permit me to disclose;

6. not to part with possession of or to reproduce any of Prospect's correspondence, documentation or internal memoranda for the benefit of third parties without the express permission of the Management Committee

7. not to accept gifts, other than those of a trivial nature, nor to receive or offer in the name of Prospect excessive or extravagant hospitality;

8. not, without first raising the matter with the Director or Chairperson (failing whom the Vice Chairperson), knowingly use the services of a current consultant, contractor, personal advisor or other individual or firm who works for or provides services to Prospect;

9. ensure that at all times I adhere to Prospect's policy on Payments, Benefits & Corporate Accountability and any guidance issued from time to time by the Scottish Housing Regulator, relating to the receipt by a Committee Member of any payment or benefits in kind from Prospect;

10. to observe and uphold the principles of corporate responsibility and decision-making.

Signed _____ Date _____

Name (please print) _____

APPENDIX 2

PROSPECT COMMUNITY HOUSING ASSOCIATION LIMITED

CODE OF CONDUCT FOR MANAGEMENT COMMITTEE MEMBERS

INVESTIGATING BREACHES AND FAILURES - PROCEDURE

INTRODUCTION

1. To be investigated, a complaint that a Committee Member has breached or failed to follow the Code of Conduct must be made in writing and signed by the person making the complaint.

2. The complaint should be made to the Chairperson, or in the latter's absence, to the Vice Chairperson. A complaint about the Chairperson should be made to the Vice Chairperson.

3. A written complaint will be investigated. The Chairperson, failing whom the Vice Chairperson, will decide who should carry out the investigation and may, subject to the provisions of this document, set out specific procedures and/or a timetable for those undertaking the investigation.

INVESTIGATING A COMPLAINT

4. An investigation may be carried out by senior members of staff, such as the Director or a Manager, or by external advisors. The following will **not** be appointed to carry out an investigation:

   a) another Committee Member

   b) a member of staff with a direct involvement in the matter complained of.

5. The purpose of the investigation will be to ascertain the facts, so far as is possible, and to submit a report to the Chairperson or Vice Chairperson. Where facts are disputed, those carrying out the investigation will give their view as to the version of the facts they prefer.

6. The report to the Chairperson or Vice Chairperson will be in writing and will include such supporting documentation and other materials as those investigating deem appropriate.

7. The investigator(s) will be given every co-operation by Management Committee Members, including the Member complained against, and by members of staff. Those investigating will be entitled to access all documents and other materials regarded as being relevant to the complaint and to interview all such persons they wish to. Failure by a Committee Member to co-operate with an investigation will, in itself, be a breach of this Code.

8. The Chairperson or Vice Chairperson may decide to initiate an investigation without first advising the Committee Member complained against that they are doing so, or giving them details of the complaint, where he/she reasonably believes that to do so would prejudice the investigation. However, either at the start of the investigation or during it, the Committee Member against whom a complaint is made will be given a copy of the written complaint and will be given reasonable opportunity of making such comments and responses to the investigator(s) as they wish to.

9. The Committee Member complained against will have the right to appoint a representative and to have a reasonable opportunity to make representations on the content of the complaint.

10. An investigation will be completed as quickly as possible, taking into account the nature and complexity of the matters being investigated and the right of the person complained against to have a reasonable opportunity to make representations to the investigator.

11. The investigator(s) will normally include in the report an opinion as to whether or not a breach and/or failure to follow this Code has occurred. However this opinion will not be a final decision, as this will be taken either by the Chairperson or Vice Chairperson, or by the Committee as a whole.

ACTION FOLLOWING THE REPORT

12. The Chairperson, failing whom the Vice Chairperson, will consider the report and any further representations made by or on behalf of the Committee Member concerned and shall consider what, if any, action should be taken.

No breach or failure

13. If the Chairperson (Vice Chairperson) decides that a breach and/or failure has not occurred he/she will:

    a) advise the Committee Member concerned in writing of their decision;

    b) advise the person(s) who carried out the investigation;

    c) submit a confidential report on the complaint, the investigation and the decision made, with all relevant documentation, to the next meeting of the Management Committee (see also para. 18 below).

Breach or failure, but not serious

14. If the Chairperson (Vice Chairperson) considers that a breach and/or failure has occurred but that it is not serious enough to require consideration by the full Committee, he/she may decide to:

    a) offer assistance on how the Committee Member may improve his or her conduct **and/or**

    b) offer training or other form of support **and/or**

    c) reprimand the Committee Member concerned.

15. The Chairperson (Vice Chairperson) will:

    a) advise the Committee Member concerned in writing of their decision;

    b) advise the person(s) who carried out the investigation;

    c) submit a confidential report on the complaint, the investigation and the decision made, with all relevant documentation, to the next meeting of the Management Committee (see also para. 18 below).

16. Where the Committee Member accepts the decision, and where the Management Committee agrees that no further action is required (see para. 18), the matter will be closed.

    However if the Committee Member does not accept that a breach or failure has occurred and/or does not accept the Chairperson's (Vice Chairperson's) decision, the matter will be referred to the full Management Committee.

Serious breach or failure

17. If the Chairperson (Vice Chairperson) considers that a breach and/or failure has occurred and that it is sufficiently serious to warrant a greater sanction or penalty than is available to the Chairperson (Vice Chairperson), the matter will be referred to the full Management Committee.

MANAGEMENT COMMITTEE HEARING

18. Where the Chairperson (Vice Chairperson) has made a decision and then submitted a report, the Committee may choose, irrespective of any action already taken or not taken by the Chairperson (Vice Chairperson), to consider the matter further and make their own decision, for example by deciding to impose a greater penalty.

    As previously stated in para. 16, the complaint will also be considered by the Management Committee if the Committee Member concerned does not accept that a failure has occurred and/or does not accept the Chairperson's (Vice Chairperson's) decision.

19. A Committee Member complained against will be entitled, at his or her expense, to be represented by whoever they choose, at a Committee hearing regarding the complaint.

20. Where the complaint was made by another Committee Member, that Member will not take part in the hearing's discussions, and will not be present except at the request of the Committee to provide information and answer any questions, following which he or she will withdraw.

21. All Committee Members involved in considering the complaint, including the person who is the subject of the complaint, will be entitled to have access to all relevant materials and other evidence gathered during the investigation and relied on by the investigator in their report, as well as access to the investigator's report itself.

22. Before the Committee reaches a decision, the Committee Member who is the subject of the complaint will be entitled to a reasonable opportunity to make such representations and to submit such materials as he or she considers appropriate. However witnesses, other than the investigator, will only be allowed to speak at a hearing with the permission of the person chairing the meeting – normally the Chairperson or Vice Chairperson of the Management Committee.

23. The investigator will normally attend the hearing to speak to their investigation and report, and to answer questions from Committee Members, including the Member complained against.

24. As the Committee hearing is not a judicial process the Management Committee will not be bound by any formal rules of evidence. Provided there is fair disclosure, Committee Members will be entitled to consider any and all evidence they consider relevant to deciding on the complaint.

25. Subject to this Code and the Management Committee Standing Orders, the person chairing the meeting will be entitled to determine the procedures to be adopted at a hearing on a complaint. He or she may determine a timetable for the hearing and set limits on the time allocated to different parts of the hearing.

26. Committee Members should avoid any 'pre-judging' of the complaint until they have heard all the evidence and representations etc., and the views of other Committee Members in the discussion stage before reaching a decision.

27. After all the evidence etc. has been presented, the investigator, the Committee Member complained against and anyone accompanying them, and anyone else present who is not a Committee Member will withdraw, to enable the Management Committee to discuss the matter and reach a decision.

FOLLOWING THE HEARING

28. Where the Management Committee decides that a breach and/or failure to follow this Code has occurred the Committee will be entitled, subject to the Committee Member complained against being given a reasonable opportunity to make representations, to determine what, if any, sanction, penalty or other step should be imposed on or taken against the individual concerned.

29. Where the Committee decide that the breach and/or failure is sufficiently serious they may decide to remove the person complained against from the Committee, in accordance with the Rules.

30. The Chairperson, failing whom the Vice Chairperson, will advise the person complained against of the Committee's decision in writing, within 5 working days of the hearing. The Chairperson (Vice Chairperson) will also advise the person who made the complaint of the outcome.

31. There will be no right of appeal against any decision reached by the Management Committee.

APPENDIX 3

PROSPECT COMMUNITY HOUSING ASSOCIATION LIMITED

CODE OF CONDUCT FOR MANAGEMENT COMMITTEE MEMBERS

LIST OF RELATED DOCUMENTS

Prospect's Rules
Code of Governance for Management Committee Members
Management Committee Standing Orders & Scheme of Delegation
Management Committee & Working Group Remits
Business Plan
Committee Members Expenses Procedure
Committee Members Development & Training Policy
Financial Regulations
Risk Management Policy
Equality & Diversity Policy
Payments, Benefits & Corporate Accountability Policy
Openness & Confidentiality Policy
Complaints Policy
Whistleblowing Policy
Health & Safety Policy
Personal Relationships at Work Policy
Disciplinary Policy
Grievance Policy
Information Technology Use and Communications Policy

PROSPECT EQUALITY IMPACT ASSESSMENT RECORD

Title of policy/ practice/ strategy	Committee Members Code of Conduct	
Department	Corporate	
Who is involved in the EQIA?	Management Team/Julie Thynne	
Type of policy/ practice/ strategy	New ☐	Existing ☒
Date completed	12/09/16	

Stage 1: Screening Record

What is the main purpose of the policy?

The policy sets out the code of conduct expected of Committee members.

Who will the policy benefit and how?

The policy will benefit Committee members, staff, tenants, service users and other partner agencies by providing clear guidance on the code of conduct expected.

For each equality group, does or could the policy have a negative impact?

Protected characteristic	Negative	Positive/no impact	Don't know
Age	☐	☒	☐
Disability	☐	☒	☐
Gender reassignment	☐	☒	☐
Marriage & civil partnership	☐	☒	☐
Pregnancy & maternity	☐	☒	☐
Race	☐	☒	☐
Religion or belief (including no belief)	☐	☒	☐
Sex	☐	☒	☐
Sexual orientation	☐	☒	☐

If you answered negative or don't know to the above question you should consider doing a full EQIA.

Are there any potential barriers to implementing the policy?

There are no identified barriers.

	Yes	No
Is a full EQIA required?	☐	☒

If you answered no to the above question explain why a full EQIA is not required:

No impact on equalities identified:	☐
Other: The policy sets out the code of conduct expected. This should have a positive impact on all protective characteristics and areas of potential discrimination. All equality and diversity issues should be considered when investigating potential breaches of the code.	