# BELGRAVE NEIGHBOURHOOD CO-OPERATIVE HOUSING ASSOCIATION CODE OF CONDUCT

### *Aims of the code of conduct*

The following are aims of the code of conduct:

- Committee members know how they should behave in meetings and on co-op business. It is expected that committee members behave with the highest possible standards of conduct, probity and business ethics
- Committee members are protected from misunderstandings and undue criticism because of potential activities that may be construed as inappropriate
- Committee members use any personal data they come into contact with, in accordance with General Data Protection Regulations
- To provide a protocol for managing alleged breaches of the Code of Conduct
- To prevent persons making vexatious or frivolous accusations of breach.

The code is written primarily for committee members, but the same principles apply to any co-op member engaged on co-op business.

## Delegated Authority

1 The Code of Conduct is included within BNCHA's statement of committee member responsibilities. The secretary is responsible for ensuring committee, sub-committee and working group members receive copies of the statement of committee member responsibilities and sign up to it.

2 The Chief Executive Officer is delegated authority to manage issues that arise from the code.

## Principles of the code

3 Co-op members, when engaged on co-op business, are expected to uphold the following principles:

- **selflessness** – co-op members are expected to take decisions solely on the basis of what is right for the co-op
- **objectivity** – co-op members should aim to be objective in their decision-making – basis decisions on evidence and merit
- **accountability** – co-op members take collective responsibility for decisions made by the committee and the committee as a whole is accountable to the co-op's members
- **honesty** – co-op members are expected to behave with honesty, declaring any relevant private interests
- **responsibility** – co-op members are expected not to do anything that could damage the co-op's reputation
- **accepted behaviour** – co-op members are expected to conduct themselves in a way that does not cause offence to others at meetings or when carrying out co-op business.

## Acceptance of the code of conduct

4 All committee members (and sub-committee and working group members) will be required to read and agree to the statement of committee member responsibilities by signing the statement in accordance with how the statement says it should be signed.

5 Bespoke agreements may be prepared in respect of individuals who may be temporarily involved in delivering some aspect of BNCHA's services.

## Harassment and threatening, abusive or insulting behaviour

6 Harassment and threatening, abusive or insulting behaviour is a breach of tenancy for co-op members, whether it is committed by them, members of their household, their guests or their visitors. It is particularly expected that committee members and others engaged on co-op business will refrain at all times from such behaviour towards

other co-op members, staff and contractors, or any other visitor to the co-op.

## Behaviour at meetings

7 Members should behave at meetings in such a way as to promote constructive dialogue and debate, supporting fellow co-op members, and BNCHA staff. Members should respect the views of others and encourage and support those less confident to express their views.

8 Members should recognise and support the role of the chair in meetings. All questions, comments and points of view should relate to the agenda item being discussed and should be expressed through the chair. Members should usually express their opinion once only during a debate.

9 Members should bring up items that are not on the agenda under "any other business" having preferably raised the matter before the meeting with the chair or secretary.

10 Members should not raise matters that were the subject of previous debate or that are matters that should be discussed at a sub-committee meeting.

11 Members should not use abusive or threatening language or gestures, such as pointing, in meetings.

12 Members should abide by the co-operative's Equality and Diversity Policy at meetings and should ensure that no comments are made that could be deemed offensive.

13 Members should ensure that their private and personal interests do not influence their decisions, and that they do not use their position on the committee for personal gain.

14 Members should not attend meetings under the influence of alcohol or non-prescription drugs.

15 If a committee member behaves unacceptably at a meeting they will be warned by the chair not to do so and if they continue they may be

expelled from the meeting. The meeting will be adjourned if the member refuses to leave.

## Declaring personal interest

16 Committee members should inform the secretary or chair of any interests that may lead to potential conflict of interest. The co-op will maintain a register of interests which shall be made available to any committee members on request.

17 Members should inform the chair and meetings of any personal interest in an issue on the agenda. Declarations of interest shall form a standard agenda item on agendas. Depending upon the nature of the personal interest they may be required to leave the meeting whilst the issue is discussed.

## Confidentiality

18 Members should not disclose items deemed confidential. In particular, co-op members who need to have access to co-op members' personal data in order to carry out their roles will keep such information strictly confidential and in accordance with data protection principles.

## Hospitality and gifts

19 Members should ensure that all instances of receiving hospitality and gifts when on the co-op's business are recorded in the co-op's register of gifts and hospitality. Lavish hospitality should not be received or given.

20 Personal gifts should not be accepted.

## Supporting BNCHA staff

21 Committee members should support BNCHA's staff and engage with them in a professional manner. Personal attacks and comments are not acceptable.

22 Committee members should not give BNCHA staff instructions on the day to day performance of their duties. Committee members should understand that BNCHA staff may not be available at short notice and may not be able to attend meetings outside of office hours due to family and private commitments.

23 Committee Members should not expect favourable treatment from BNCHA staff nor should they be treated any less favourably or equitably. All personal requests should be made through normal reporting channels.

24 Committee members should not publicly oppose actions taken by BNCHA staff or officers on behalf of the co-op.

## Complaints and legal action by committee members

25 With the potential exception of some co-opted committee members, all committee members are BNCHA tenants. This Code of Conduct does not seek to remove the rights of BNCHA tenants who are committee members.

26 Committee members are therefore entitled to the same housing service as all other BNCHA tenants, but they are expected to report any service delivery matters to BNCHA staff in the same way that any other tenant would report service delivery matters.

27 Committee members should not seek to progress matters relating to a personal service delivery matter with the Chair, the Secretary or other committee members. To do so may result in action through this Code of Conduct. Committee members should only discuss personal service delivery matters at committee meetings unless they are indicative of service matters generally within the co-op.

28 Serving a Notice to Quit on a co-op member terminates their membership of the co-op. Therefore, any co-op member who has been served a Notice to Quit will no longer be entitled to participate in the running of the co-op due to them not being a member. If a committee member is served a Notice to Quit, their committee membership will be immediately terminated.

29 For avoidance of doubt:

- committee members may complain about a personal service delivery matter using BNCHA's Complaints Procedure, which requires that complaints will be managed by BNCHA staff

- committee members may discuss personal service delivery matters with the Housing Ombudsman Service and, once they have exhausted BNCHA's Complaints Procedure, may refer a complaint to the Housing Ombudsman Service. In so doing, the committee member and BNCHA may inform the Housing Ombudsman Service that they are a BNCHA committee member.

- taking legal action against BNCHA will be considered a breach of the Code of Conduct. If committee members consider it is necessary to take legal action against BNCHA in respect of a personal service matter or regarding any other matter, the committee member should resign from the committee. If they choose not to do so, action will be taken to suspend the committee member through this Code of Conduct.

30 If a committee member takes any actions set out in the previous clause, they should recognise that they have a conflict of interest in relation to any discussions about such matters at the committee and that they will be excluded from any committee discussions regarding those matters.

31 Other committee members should not unduly support a fellow committee member in respect of a personal service delivery matter and should carefully consider any facts relating to any particular complaints case presented to the committee and make decisions based on those facts.

32 Committee members should not use the Complaints Procedure in respect of complaints about a fellow committee member's behaviour in the committee. Such complaints should be addressed to the Chair who will manage the complaint in accordance with this Code of Conduct.

## Protocol for managing a breach of the code of conduct

33 An alleged breach of the Code of Conduct will be investigated by the Chair who will respond to any alleged breaches. If it is alleged that the Chair has breached the Code of Conduct, the Committee will nominate an alternative committee member to investigate and manage the breach, who will work with an individual appointed by the committee who has clear knowledge of governance and conduct in respect of a housing co-operative committee.

34 The committee may appoint someone else to lead a breach of code of conduct if it considers that there are reasons why it is inappropriate for an investigation to be led by the Chair.

35 The committee member will be notified that it is alleged that they have breached the code of conduct. An investigation into the matter will be carried out by the Chair. The Chair will gather available evidence relating to the alleged breach, receiving statements from parties relevant to the alleged breach and any pertinent documentary evidence.

36 The Chair will also ensure that the committee member is offered the opportunity to state their position and provide evidence in relation to the alleged breach.

37 The Chair also has delegated authority to consult with BNCHA's solicitors regarding the matter in question if they consider it appropriate so to do.

38 The Chair will determine whether the alleged breach is to be considered a minor or a major issue.

39 If the alleged breach is considered minor, emphasis will be placed on remedying the matter, providing training if necessary and carrying out reconciliation where possible. The committee member will be asked to sign a declaration to say that the breach will not re-occur. If it does re-

occur or if there are multiple minor breaches, this may result in the breach being considered major.

40 If the alleged breach is of such a severe nature that the Chair considers that an immediate suspension from the committee is warranted pending investigation and determination by the committee, the Chair has delegated authority to determine that the committee member is temporarily considered in breach of the Code of Conduct and therefore their signature to the statement of committee member responsibilities is null and void. This in turn would mean that the committee membership of the committee member potentially guilty of the alleged breach would be suspended from the committee until the committee formally determine necessary action.

41 If the alleged breach is major, the Chair will present a report to the committee on the alleged breach, that includes:

a) a statement of the alleged breach
b) a summary of the gathered evidence relating to the breach
c) recommendations regarding how to proceed, which could include recommending to the committee that the committee member's membership of the committee be terminated (in accordance with BNCHA's rules) and, if necessary, the member being banned from standing for election for a defined period.

42 The committee will hold a hearing into any alleged major breaches of the code of conduct. At such a hearing, the alleged perpetrator of the breach of the code of conduct will be offered an opportunity (for a defined period of time) to state their position regarding the allegation. The alleged perpetrator will be offered the maximum of two dates on which they may state their position, after which the committee will make its determination on:

a) whether the code of conduct has been breached
b) what actions need to be taken
c) if removed as a committee member, the length of time before the perpetrator may restand for election to the committee.

43 The Chair will ensure that the outcomes of the committee's considerations are communicated in writing to the committee member.

44 If the committee member considers that there are facts that the committee has not properly considered, they have a right to appeal against the committee's decisions as follows:

- the appeal must be received by the Chair or Secretary at BNCHA's registered office within 14 days of the date of the letter sent by the Chair

- the appeal must be requested in writing and must set out the reasons for the appeal; the facts that the committee member considers the committee have not properly considered; and any outcomes that the committee member wishes the committee to agree that are contrary to the committee's stated position

- the appeal must be stated in reasonable terms and should not include any unfounded accusations, irrelevant matters or offensive or abusive language.

45 If an appeal is requested, the Chair may consult with BNCHA staff or BNCHA's solicitor regarding how to manage it and will make recommendations to the committee how the appeal will be heard.

46 For a major breach, the committee may choose to have the matter investigated independently by an external organisation with expertise in carrying out such investigation. The committee would accept the recommendations of such an investigation unless the committee could identify clear reasons not to (which may include that the co-op is not legally permitted to take the course of action recommended).

## Examples of breaches

47 Examples of severe, major and minor breaches are set out below. This is not an exhaustive list and each case will be considered on its merits regarding the seriousness of the breach.

48 Examples of **severe breaches** that would result in immediate committee suspension pending investigation and committee adjudication:

- Physical or verbal violence or threats of violence
- Harassment especially when in relation to a protected characteristic specified in the Equality Act 2010
- Actions that bring BNCHA into disrepute
- A breach of data protection rules in respect of a BNCHA's member's personal data
- Criminal behaviour, including fraud

49 Examples of **major breaches** that would require investigation and adjudication by the committee:

- Behaviour that seriously breaches BNCHA's Equality and Diversity Policy (eg. making insulting comments based on age, race, gender, disability, faith, religion or sexual orientation)
- Behaving in an aggressive manner towards other people or in such a way that they feel threatened or intimidated
- Serious conflict between committee members that means the committee ceases to operate effectively
- Abuse of power – such as threatening to have staff sacked or tenants evicted without using appropriate channels to make complaints
- Abuse of power – making public accusations about an individual in meetings or by petition or by email instead of using appropriate channels to make a complaint
- Serious negligence which causes BNCHA non-compliance with its legal or regulatory responsibilities

50 Examples of **minor breaches** that may require limited action and warnings not to repeat the breach:

- Not using proper channels to report or action personal service delivery issues
- Making assumptions and generalisations about people because they belong to a particular group
- Describing people in a way that may be seen as insulting or a threat
- Minor conflict between committee members

## Vexatious or frivolous allegations

51 Making vexatious or frivolous allegations of breach of the code of conduct can be considered to be a breach of the code.

52 If the Chair considers an allegation of breach of the code of conduct to be vexatious or frivolous, he will advise the person making such allegations, and advise them that making such a vexatious or frivolous allegation might result in them becoming subject to a code breach allegation themselves, or to disciplinary action if a member of staff and may offer them an opportunity to retract the allegation.

53 If they continue to make the allegation, the Chair may state that they are alleged to be in breach of the code and the matter will be dealt with in accordance with the code as above.

54 The Chair will only consider alleged breaches of the code to be vexatious and frivolous on rare occasions. BNCHA does not wish to limit options for those that may wish to allege breaches of the code where it is necessary so to do.

***Risks to be avoided:***

- Domination by aggressive or abusive members is more likely where appropriate behaviour standards are not agreed
- Breaches of agreed behaviour standards being ignored leads to general decline of governance and standards within the organisation increasing the risk of cliques forming and conflict
- Where conflicts of interest are not declared and properly managed the risk of fraud and corruption is increased
- The co-op suffering reputational or financial damage
- Legal action can be compromised when members involved unduly influence the co-op