



## **BOARD POLICY – MEMBERS’ COMPLAINTS POLICY AND PROCEDURE**

Responsible Director – Chair

Responsible Officers - Chief Executive and Company Secretary

Approval Date - January 2022

Next Review - January 2025

### **1.0 PURPOSE AND SCOPE**

1.1 The Association’s adopted code of governance (the National Housing Federation Code 2020) and recognised best practice requires a complaints policy and procedure tailored to Board and Committee member complaints.

1.2 The purpose of this documents is to detail a policy and process setting out how disputes and grievances involving members of the board and committees can be raised, and how they are responded to.

1.3 Within the Code of Governance, Principle 3 Board Effectiveness contains the requirement as follows:

- [3.8.7] there is a policy and procedure setting out how disputes and grievances involving members of the board can be raised, and how they are responded to.

Principle 4 Control and Assurance contains the requirement as follows:

- [4.5.3] if a board member has concerns about the board or the organisation that cannot be resolved, these concerns are shared with the board and formally recorded.

1.4 The Policy below sets out arrangements for colleagues, customers and board and committee members to raise disputes and grievances involving Board Members and Committee Members of NCHA and Board Members of Pelham Homes.

### **2.0 REFERENCES**

2.1 NHF Code of Governance (2020 Edition)

2.2 NCHA Code of Conduct

2.3 NCHA Whistleblowing Policy

### **3.0 POLICY STATEMENT**

3.1 Where a complaint or allegation is made against a Board or Committee member by another Board or Committee member, member of staff, resident or member of the public, this must be made in writing to the Chief Executive who subsequently will inform the Chair. The board or committee member will also be informed of the complaint made against them.

3.2 A preliminary investigation will be conducted by an officer appointed by the Chair [or Chair of Governance Committee if the Complaint is about the Chair] to determine whether a breach of the Code of Conduct has occurred and whether it is a minor or serious breach. The preliminary investigation will also review the complaint alongside the Whistleblowing Policy and, should the complaint fall under the Whistleblowing remit, recommend following the Whistleblowing policy and procedure.

#### **3.3 Minor Breach**

If it is assessed as a minor breach of the Code of Conduct, the Board or Committee member will be informed in writing of the outcome of the investigation and the case closed. No further action will then be taken, although if another complaint is made against the same Board or Committee member regarding the same breach, this may be considered as part of any future investigation within a 12 month period.

The Governance Committee will be informed of the complaint and outcome of the investigation. If a Board or Committee member wishes to appeal, they should notify the Chair of their decision and the appeal will be heard by the Governance Committee.

#### **3.4 Serious Breach**

If it is assessed that a serious breach of the Code of Conduct has occurred, the Governance Committee will be convened. The Board or Committee member will be informed of this. In all cases following a serious complaint or allegation which may constitute a breach of the Code of Conduct, the Chair [or Chair of Governance Committee if the Complaint is about the Chair] will approach three Board Members to form a Review Panel. The Review Panel members must not have any involvement with the complaint. The Review Panel will choose its own Chair from the three members. A meeting date will be set as soon as practicable, while allowing for a full investigation to be carried out.

3.5 In cases where the continued involvement of a Board or Committee member about whom an allegation has been made may, in the opinion of the Review Panel,

- damage the Association's reputation;
- involve material financial detriment to the Association;
- give rise to claims against the Association.

The Review Panel may decide to suspend that Board or Committee member from the Board as a precautionary measure pending the outcome of the investigation. A Board

or Committee member upon being temporarily suspended shall take no part in the Association's business and shall continue to receive their remuneration.

The Board or Committee member will be notified of the steps which will be taken to investigate the complaint and expected timescale within which the complaint will be dealt with.

- 3.6 The Chair of the Review Panel will appoint an appropriate, competent and independent investigator to review the complaint in detail. This could be the initial investigator or a new appointment. They will prepare a full report looking at the allegation which will be circulated to the Review Panel and the Board or Committee member five working days in advance of the Review Panel meeting. The Company Secretary will provide administrative and procedural support to the Review Panel.
- 3.7 At the Review Panel meeting, the investigator will be asked to present their report, and the Board or Committee member will be given the opportunity to put their case directly. If appropriate, witnesses can be called by either party. The Board or Committee member may bring representation if they so wish.
- 3.8 The Review Panel will consider the case on the day, and will where possible decide what action, if any should be taken in relation to the Board or Committee member concerned. The Review Panel can decide to adjourn to consider their verdict, if it is deemed necessary. However in this case, the adjournment should not lead to an unnecessary delay in delivering their judgement. This decision should be made without reference to the NCHA Board, save where the recommendation is to remove the Board or Committee member altogether from their position. Additionally, the Review Panel are able to adjourn the meeting if they wish to consider any new information that is presented on the day.
- 3.9 At the following NCHA Board meeting the Chair of the Review Panel will report to the NCHA Board, as a confidential item details of the allegation and any action taken. If the Review Panel recommend removal from the Board or Committee this decision must be approved by the NCHA Board.
- 3.10 Where a Board or Committee member feels they have been unfairly or inequitably treated, they should submit their concerns in writing within 14 days of being notified of the outcome of the complaint. They should notify the NCHA Chair of their decision to appeal and the appeal will be heard by the Governance Committee, subject to the three members of the Review Panel not participating in the proceedings. The Board or Committee member will be given three days' notice in writing of the time and place of the meeting and of their right to be accompanied.
- 3.11 The Chair of the Governance Committee may either confirm the decision, or uphold the appeal and set aside the original decision, or uphold the appeal and substitute an alternative form of action or penalty if they think it is appropriate to do so. The decision will be made as quickly as reasonably possible having due consideration to the complaint, and, except in exceptional circumstances, a decision will be made

within three working days of the Governance Committee meeting and be set out in writing. The decision at appeal is final, there is no further right of appeal.

### **3.12 Unresolved Concerns**

If a concern has been raised about a Board or Committee member, the board or the organisation, and following investigation this cannot be resolved, these concerns will be shared with the Board and formally recorded.

## **4.0 EQUALITIES AND DIVERSITY**

4.1 An Equalities and Diversity Impact assessment has been completed. Each of the nine protected characteristics (under the Equality Act 2010) have been considered as to whether the policy affects these particular groups of people in different ways compared to other groups. The impact of the policy on protected characteristics has been assessed as neutral.

## **5.0 RESPONSIBILITIES**

5.1 The Governance Committee is responsible for approving this policy and ensuring it is followed when member complaints arise.