

Appendix 1 to the Code of Conduct

Procedure for Dealing with a Breach of the Code of Conduct

A.1 This procedure sets out the arrangements that will normally apply to potential breaches of the Code of Conduct, which are defined as follows:

- (a) Breaches of the Code of Conduct (the Code) that occur during a meeting and involve a member being obstructive, offensive or disregarding the authority of the Chair
- (b) Other complaints about the conduct of a Member of the Committee
- (c) Information that suggests that there may have been a breach of the Code by a member of the Committee.

A.2 The Chair has delegated authority to deal with potential breaches of the Code, subject to Clause A.3 below. The Chair has delegated authority, in consultation with other members of the Executive Committee, to instruct progress and conclude investigations carried out in accordance with this procedure.

Conduct at meetings

A.3 Alleged breaches that occur during the course of a meeting (and which have not happened before) will normally be dealt with by the Chair or sub-committee Convener, either during the meeting and/or within 24 hours of the meeting. In these circumstances, the Chair may ask the member to leave the meeting or a vote may be taken to exclude the member from the rest of the meeting. After the meeting, the Chair or sub-committee Convener will discuss such behaviour with the member and may require the member to apologise or take such other action as may be appropriate. Where the Chair regards such behaviour as being very serious, it may also be investigated subsequently in accordance with the terms of this procedure, as will repeated incidents of a similar nature.

Other Complaints

A.4 It is recognised that potential breaches of the Code of Conduct may occur beyond meetings (e.g. whilst a Committee member is at an external meeting, representing us at another Common Riding event etc). Potential breaches may also involve inappropriate conduct in relation to dealing with other Committee Members or service users both at meetings and outwith. Breaches may also involve failure to follow the requirements of an approved procedure or governing document (e.g. failing to adhere to the aims and objects of our Constitution).

A.5 A potential breach of the Code, including repeated instances of poor conduct at meetings, will normally be the subject of an investigation, which will be managed by the Chair.

A.6 Not all potential breaches will be the subject of complaints or allegations. Where they are, they do not have to be made in writing but the Chair should ensure that there is always a written statement of the complaint or allegation that is used as the basis for the investigation.

Investigation of a potential breach

A.7 Allegations of a breach should be made to the Secretariat for the attention of the Chair and where this relates to the Chair, the Secretariat will engage with the Executive Committee to appoint another member of that Committee to investigate. The Chair or member of the Executive Committee, in consultation with the other members of that Committee, will decide whether to instruct an independent investigation or whether to carry out an internal investigation. No one who has any involvement in the alleged breach or the circumstances surrounding it will play any part in the investigation.

A.8 A potential breach of the Code of Conduct (other than that which is being dealt with as described at A.3) will be notified to the Executive Committee by the Chair within seven working days either of occurring or of receipt of the complaint. The notice will include a report on the proposed arrangements for investigation (but will not describe the detail of the complaint) and a recommendation of who will be responsible to carry out the investigation. The Chair may seek advice from our solicitors where considered appropriate. All investigations will be objective and impartial.

A.9 The Chair or other Executive Member investigating any breach will be responsible for reporting their findings and recommendations to the Executive Committee. The investigation report should set out the nature of the complaint and records of the investigation carried out, as well as a timescale for completion and reporting on. The investigation may refer to any action previously taken that is relevant. Investigations are expected to be completed within 14 days from the time of the decision to proceed. The Chair or other appointed investigator will present their report to the full Committee after agreement and approval from the Executive Committee.

A.10 Any investigation of a potential breach should be notified to the individual concerned as soon as possible but in any event no later than seven days of the decision to investigate. The Committee Member must be notified in writing of the nature of the alleged breach and the arrangements proposed for investigation.

A.11 The Committee Member whose conduct is being investigated will not be party to any of the discussions relating to the investigation. Any Committee Member who is the subject of an alleged breach is expected to co-operate with any investigation carried out and may be suspended from attending Committee meetings whilst such investigation is carried out to completion.

A.12 The full Committee will consider the report and recommendations from the investigation at their next available meeting to ratify the recommended action as agreed by the Executive Committee to be taken against any individual who is found to have been in breach of the Code.

A.13 The Chair or other Executive Committee member investigating will report the findings of the investigation and the proposed action to the member concerned within seven days of the full Committee meeting at which the report of the investigation and recommendation(s) was ratified and approved.

A.14 Where, following an investigation, it is concluded that a serious breach has occurred, the Executive Committee may recommend and require the member to stand down from their position.

A.15 If the full Committee ratifies this decision to remove a member, following investigation, the member will have the right to appeal and to address the full Committee at a special meeting called for that purpose. Any such decision must then be approved by a majority of the members of the Committee attending such meeting. The Minutes of the meeting will specifically record the names of the members voting in favour of such removal. This information will not at any time be shared externally.

Action to Deal with a Breach

A.16 If, following investigation, a breach of the Code is confirmed, action will be taken in response. This action will reflect the seriousness of the circumstances. It may take the form of some or all of the following:

- an informal discussion with the member concerned
- advice and assistance on how his or her conduct can be improved
- the offer of training or other form of support
- a formal censure
- a vote to remove the Member from the Committee.

Definitions

A.17 HCRC will regard the following actions as a “serious breach” of the Code of Conduct (this list is not exhaustive):

- Failure to act in our best interests and/or acting in a way that undermines or conflicts with the purposes for which we operate.
- Support for, or participation in, any initiative, activity or campaign which directly or indirectly undermines or prejudices our interests or those of our service users, or our contractual obligations.
- Accepting a bribe or inducement from a third party designed to influence the decisions we make.
- Consistent, repeat or serious failure to observe the terms of the Code of Governance and/or Code of Conduct.