BIRSTALL NEIGHBOURHOOD FORUM

Conduct & Disciplinary Procedure

Procedure for addressing breaches of the Management Committee Code of Conduct

Status: Draft for formal adoption by the Management Committee

Governance Document

1. Purpose

This procedure provides a fair and proportionate way to address alleged breaches of the Management Committee Code of Conduct. Its purpose is to resolve problems, protect the Forum and maintain effective governance rather than to punish legitimate disagreement.

It applies to Management Committee members and must be exercised consistently with the Forum's constitution.

2. Principles

- fairness, proportionality and consistency;
- the member will normally be told the substance of the concern and given a reasonable opportunity to respond before a formal sanction is imposed;
- no person should determine a matter in which they have a material conflict of interest;
- information will be shared only as reasonably necessary;
- decisions and reasons should be recorded in writing;
- serious cases may begin at a later stage of the procedure where justified.

3. Roles of the Chair and Vice-Chair

The Chair and Vice-Chair are jointly responsible for the initial management of conduct issues. They may receive concerns, seek information, facilitate informal resolution and, where justified, issue an informal management instruction or commence the formal procedure.

A formal written warning should ordinarily be agreed by both the Chair and Vice-Chair. If either is the subject of the complaint, a witness, materially conflicted, or otherwise unable to act impartially, that person must take no part and the Management Committee shall appoint a non-conflicted committee member to act in their place.

The Chair and Vice-Chair cannot exercise a power that the constitution reserves to the full Management Committee or wider membership.

4. Raising a concern

A concern should normally be submitted to the Chair or Vice-Chair and should identify the alleged conduct, relevant date or period, the provision of the Code said to be engaged, and any supporting information reasonably available.

Anonymous concerns may be considered where sufficiently credible and serious, but the inability to test the information or provide particulars to the member may limit what action can fairly be taken.

5. Initial assessment

The Chair and Vice-Chair, or appropriate substitutes, should decide whether the matter can be dealt with informally, requires formal consideration, falls outside the Code, or should be referred elsewhere because it concerns safeguarding, criminal conduct, data protection, finance or another specialist issue.

Vexatious, repetitive or plainly unsupported complaints may be closed with reasons recorded.

6. Stage 1 - Informal resolution

For minor or first-time concerns, the preferred response is normally an informal conversation, clarification of expectations, mediation, an agreed action, or an informal warning. A brief confidential note may be retained.

Successful informal resolution does not require a finding of misconduct.

7. Stage 2 - Formal written warning

Where informal action is unsuitable or has not resolved the issue, the member should receive written details of the concern and a reasonable opportunity to respond. The decision-makers may make proportionate enquiries and speak to relevant persons.

If a breach is found on the balance of probabilities, a formal written warning may identify the conduct, the provision breached, the improvement required, any reasonable restrictions or actions, the period for which the warning remains active, and the consequences of further breach.

8. Stage 3 - Final written warning

A final written warning may be issued for a repeated breach, failure to comply with an earlier warning, or misconduct sufficiently serious to justify moving directly to this stage. The same requirements of notice, response, impartiality and written reasons apply.

9. Stage 4 - Restrictions, suspension or removal

Where there is serious or repeated misconduct, the Management Committee may consider proportionate restrictions, suspension from delegated duties, withdrawal of authority to represent the Forum, or removal from an officer or committee role, but only to the extent that the Forum's constitution gives it that power.

Where the constitution requires a vote, general meeting, specified majority or other process for suspension or removal, that constitutional process must be followed. This procedure does not create a power of removal that does not otherwise exist.

Pending consideration of a serious allegation, the Chair and Vice-Chair may take temporary protective steps only where reasonably necessary to protect people, confidential information, Forum assets or the integrity of an investigation. Any temporary restriction must be the minimum necessary, reviewed promptly, and must not amount to de facto removal where the constitution does not permit it.

10. Serious misconduct

Examples that may justify beginning at a later stage include deliberate misuse of Forum funds or data; serious bullying, harassment or intimidation; deliberate disclosure of highly confidential information; serious misuse of the Forum's identity or resources for improper personal gain; dishonesty connected with Forum business; or conduct creating a serious and immediate risk to the Forum or others.

These examples are illustrative rather than exhaustive, and seriousness must be assessed on the facts.

11. Decision-making and standard of proof

Formal findings should be made on the balance of probabilities after considering the information reasonably available. The decision should identify what was found, the relevant Code provision, the reasons, and any sanction or required action.

The decision-makers should consider seriousness, intent where evidenced, impact, previous active warnings, cooperation, corrective action, consistency with comparable cases and any relevant mitigation.

12. Appeal

A member receiving a formal sanction should be allowed to appeal within 14 calendar days of receiving the written decision. An appeal may challenge a material procedural error, a finding said to be unsupported by the

information available, or the proportionality of the sanction.

The appeal should be considered by non-conflicted persons who were not responsible for the original formal decision wherever reasonably practicable. Where the Management Committee made the original decision, the constitution should determine whether any further internal appeal is available. The appeal outcome should be recorded in writing.

13. Records and confidentiality

Formal warnings, responses, decisions and appeals should be retained securely for an appropriate period. Access should be limited to those with a legitimate governance need. Minutes should record formal decisions without unnecessarily publishing sensitive personal detail.

An expired warning should not ordinarily be treated as an active disciplinary sanction, although records may be retained where legitimately required for governance, legal or safeguarding reasons.

14. Review and constitutional safeguard

The Management Committee should review this procedure periodically and after any case that exposes a material weakness in it.

> Nothing in this procedure overrides the Forum's constitution, statutory obligations or applicable law. Before using suspension, removal or other significant sanctions, the decision-makers should confirm that the constitution authorises the proposed action and follow any voting, notice or meeting requirements it specifies.

Adoption

Adopted by the Birstall Neighbourhood Forum Management Committee on: _____

Chair: _____ Vice-Chair: _____

Review date: _____

This document should be read alongside the Forum's constitution. Where there is any conflict, the constitution and applicable law take precedence.

Adoption & Review Record

Conduct & Disciplinary Procedure

This record confirms the formal adoption, version control and scheduled review of this governance document by the Birstall Neighbourhood Forum Management Committee.

Version number	1.0
Approval / adoption date	_____
Effective from	_____
Next review date	_____

Management Committee approval

Approved by resolution of the Birstall Neighbourhood Forum Management Committee.

Chair

Name: _____ Signature: _____

Date: _____

Vice-Chair

Name: _____ Signature: _____

Date: _____

Secretary / Committee Officer

Name: _____ Signature: _____

Date: _____

Review and amendment

The Management Committee should review this document by the review date above, or earlier where there is a significant governance, constitutional or legal change. Material amendments should be formally approved and recorded under a new version number.