

Coventry Local Involvement Network (LINK)

Standards of conduct procedure

1 Scope

This Standards of Conduct Procedure sets out how Coventry LINK will deal with cases where the conduct of members is called into question as potentially being in breach of, the LINK Terms of Reference, the LINK Code of Conduct or other LINK Policies and Procedures or in conflict with the LINK's core values.

All member-volunteers of Coventry LINK must sign up the LINK Code of Conduct and all Authorised Representatives must follow the Enter and View Policy and Procedure and the conduct code it contains. LINK members are asked to follow the LINK's values.

Some examples of conduct that could potentially trigger this procedure are:

- Not adhering to the standards of behaviour as stated in the Code of Conduct.
- Breach of confidentiality or data protection
- Not declaring interests or incomplete declaration
- Acting against the agreed action plan of the LINK.
- Not adhering to decision of the LINK or decision making processes;
- Fraud (e.g. submitting false expenses claims);
- Theft of or malicious damage to LINK, Host, NHS or social care provider property;
- An act or failure to act which endangers others' health and safety;
- False declaration regarding past criminal convictions;
- Investigations for a criminal offence carried out whilst on LINK business or directly impacting on a person's LINK role (for example an accusation of abuse against an Authorised Representative)
- Conviction of a criminal offence during LINK membership that might threaten the credibility of the LINK;
- Preventing other LINK Members from participating;
- Making unauthorised comments to the media from Coventry LINK;
- Leading people to believe you have a mandate from Coventry LINK which has not in reality been granted;
- Physical assault on other LINK Members or any other individuals in the course of LINK work, or action perceived by the recipient to be intimidating;
- Making comments or acting in a way a recipient or witness considers to be discriminatory (as set out in the MacPherson Report 1999).

This list is not exhaustive.

2 Responsibility

Coventry LINK has a responsibility to ensure that certain standards of conduct are maintained and that policies and procedures are not breached by individuals or groups of individuals. Any issues must be investigated and acted upon fairly, and speedily.

A standard of conduct issue may be brought to the attention of the LINK in different ways. For example an issue might be raised through the LINK external Comments and Complaints Procedure or its internal Problem Solving Procedure or concerns may be brought directly to the attention of the Host by an individual or agency. Anyone may make a complaint through Comments and Complaints Procedure

A complaint that becomes a Standard of Conduct case will be dealt with under this procedure not the Complaints Policy.

3 The Procedure

A Action at the time the conduct issues is raised

The LINK Project Manager in conjunction with Voluntary Action Coventry's Director of Policy and Partnership and/or the Chair of the LINK Steering Group will:

- a) Decide whether suspension is merited
- b) Inform the LINK member concerned in writing that a complaint has been made or issues raised and what action is being taken.
- c) If a breach of a standard of conduct involves criminal activity inform the police. Then the standards of conduct procedure should continue only with the confirmation from the police that it will not interfere with their investigations.

B Informal Resolution

Whenever possible and with due regard for the seriousness of an individual complaint, the LINK will do all they can to resolve the matter informally. This will usually consist of:

- The LINK Project Manager holding informal discussion to gather the member-volunteer's perspective and then deciding if the concern is valid.
- If the issue is upheld support will be given where this is deemed appropriate with the objective of helping the member/volunteer to reach an appropriate standard of conduct or resolve the particular problem which led to the complaint; and setting a date for a meeting to review the issue.
- Following the discussion a letter summarising the action taken will be sent to the individual concerned.
- Notes will be kept of all meetings and conversations during this process

C Formal Resolution

Investigation

Following the recommendation from the LINK Project Manager that a complaint/issues about a LINK member cannot be resolved informally, an Investigating Panel will be set up. This will be made up of 2 Steering Group members who would be the most appropriate people to carry out the investigation and either the LINK Project Manager or Director of Policy and Partnership as appropriate, who will lead the investigation process).

Should the potential breach concern the whole Steering Group then the investigating panel will be drawn from other LINK member-volunteers.

A letter will be sent to the member/volunteer explaining that a formal investigation is to take place and the reasons why.

The Panel will look at all of the evidence gathered and carry out any further investigations required. This can include talking to the complainant and the individual members/volunteer and/or other witnesses as relevant.

The target is to conclude this investigation within 20 working days. If this deadline is not possible then the reasons for the delay and the revised deadline will be agreed with the complainant.

The Investigating Panel will review the facts and decide on the outcome of the investigation.

Results of investigation

If the outcome of the investigation is that there is no Standards of Conduct case to answer, this will be communicated in writing to the member/volunteer (and where possible face-to-face).

If the member had previously been suspended, this suspension will cease upon receipt of the letter and all who were informed of the suspension should be informed of its ending. The Steering Group will ensure that appropriate arrangements are made for the suspended member-volunteer return to LINK activities.

The Host will usually contact the person who raised the issue to let them know the outcome too.

If the outcome is that there is a conduct case to be considered, a Standards of Conduct hearing will be held and any suspension will continue.

Standards of Conduct Hearing

If there is a case to answer than a Standards of Conduct hearing will be arranged. This will involve the people from the investigating panel. It will be held at a location convenient to the member/volunteer, in an appropriate venue

The Hearing should be held within 20 working days of the conclusion of the investigation.

A note taker will also be present to produce the notes of the hearing.

The Host will write to the LINK Member/volunteer inviting her/him to attend the Hearing and summary of the evidence in the case to be presented.

The member will be given the opportunity to explain their actions by giving details and reasons behind their actions.

Members/volunteers are entitled to be accompanied by a friend, colleague or independent advocate not acting in a legal capacity.

A Standards of Conduct hearing can be held in the member/volunteer's absence if he or she fails to attend without reasonable cause.

The member-/volunteer will be asked to give an explanation in response to the allegation and if they have any supporting information this should be sent to the panel chair at least 5 days before the date of the hearing for distribution to the Panel Members.

In the event that a panel's decision is not unanimous, there will be a vote

Outcomes

There are a number of possible outcomes to a Standards of Conduct hearing:

- 1 Issue not upheld** – LINK Project Manager to contact LINK member in writing to confirm outcome and any suspension will end on receipt of the letter.
- 2 Written Warning** – to be issued by the LINK Project Manager, this will state:
 - Details of the misconduct that has resulted in the warning;
 - Details of the necessary action (which could optionally include a period of suspension for retraining) to improve the situation and any period of review decided upon;
 - That any further breach of conduct may result in a further standards of conduct interview and removal from the LINK.
 - The date from which the Member's suspension (if applicable) will end unless suspension is considered a necessary ongoing action or if it is linked to a condition of the written warning
- 3 End of volunteering role** – the member will be advised that they can no longer continue as a Working Group volunteer/ Authorised representative/ or LINK Community Champion.

- 4 **End of Steering group** membership – the Steering Group member will be advised that their conduct has made their ongoing involvement on the Steering Group untenable and that they must stop this role.
- 5 **End of LINK membership** – the member will be provided with confirmation in writing by the LINK Project Manager of the reasons for and the date on which the membership will end.

Right of Appeal

A member has the right to appeal against any standards of conduct penalty imposed.

Appeals should be lodged within 30 working days of receipt of the outcome of the standards of conduct hearing.

There are three grounds for appeal:

1. **Appeal against the facts** – Where the LINK Member feels that the evidence that the Panel used to come to their conclusion was either untrue or incomplete.
2. **Appeal against the reasonableness of the decision** – Where the LINK Member does not dispute the evidence, but believes that the decision made is not reasonable in the light of the evidence.
3. **Appeal on procedural grounds** – Where the LINK member feels that the process was so flawed that the outcome was not reliable.

Please note that minor procedural errors which would not have affected the final outcome are not grounds for appeal

On receiving the appeal the Chair of the Steering Group will decide if the appeal is valid i.e. falls into one of the above categories.

If the appeal is not valid the Chair of the Steering Group will write to explain why the appeal is not valid. If the matter is border-line or if the reasons for the appeal are unclear then the Chair of the Steering Group will write asking for further explanation giving a 10 working day limit for reply.

If the appeal is valid the Chair of the Steering Group will ensure that Host staff:

- Sends written acknowledgment and information about of the procedure and timescales.
- 3 copies of the Investigation File and notes of the hearing are obtained for the appeal panel
- The appeal panel is organised.

The Appeal Panel is normally made up of the Chair of the Steering Group and two other members of the Steering Group who have had no previous involvement in the case and a senior manager from the Host organisation who has had no involvement in the investigation or conduct panels.

The role of the Appeal Panel is to decide whether the outcome of the original hearing was a reasonable one and in the event of conflicting evidence whether the hearing's decision was based on the balance of probability.

The Panel should, as far as diaries allow, meet within 20 days of the Appeal being received and the LINK Member/participant will be informed if there is any delay in the process.

The Panel will meet and review the paperwork and base their decision about the Appeal on that.

The Appeal Panel Chair decides if the LINK Member and the Chair of the original hearing should attend the Appeal Hearing. This would be due to:

- If an alleged flaw in the investigation or the hearing has an impact which cannot be judged on paperwork alone.
- The LINK Member/Volunteer has new evidence, which for a valid reason was not available at the original hearing and could possibly result in a different outcome.

The LINK member/volunteer will be informed of the outcome within 7 working days.

4 Repeated breaches

If a member volunteer breaches policy again this will be followed up by the LINK Project Manager if there was originally informal resolution – if further information resolution is not appropriate then the matter will be referred to formal resolution.

If the individual had been through formal resolution previously then the standards of conduct panel may be reconvened to consider the further matters.

5 Record keeping

Where a breach has been reported but been found not to have occurred records will be kept for 3 months.

Where a minor or major breach has occurred records will be kept securely for a reasonable period of time.

6 Breach of policy by Host staff

Should a member of LINK Host staff be considered to be in potential breach, then this should be referred to the LINK Project Manager who will investigate using the appropriate Voluntary Action Coventry procedure.

Should the LINK Project Manager be considered to be in breach then this should be referred to the Director of Policy and Partnership at Voluntary Action Coventry who will use the appropriate procedure to investigate.

End of policy