

Breach of code of conduct procedure

If a complaint is about the service, an individual member of staff or a team, it should be made to the line manager or made using the council's formal complaints procedure.

Challenging unacceptable behaviour

Any participant can challenge unacceptable or offensive behaviour through the chair or agreed lead person at a meeting, Housing resident involvement event, or association activity.

Outside of meetings any participant can challenge behaviour through a tenant representative or a council officer.

Behaviour that is unacceptable, offensive or in breach of the code could lead to an individual or association being investigated. In the case of associations it could also lead to it being derecognised.

Examples of behaviours in breach of the code of conduct include:

- Behaviour that breaches of the council's policy on equal opportunities eg making jokes about people because of their age, race, gender, disability, faith, religion or sexual orientation, or because they are 'different' to you.
- Making assumptions and generalising about people because they belong to a particular group (for example: 'all young people...', 'all Asians...', 'all single parents...', 'all travellers...', 'all white people...').
- Describing people in a way that may be seen as an insult or a threat.
- Behaving in an aggressive manner towards other people or in such a way that they feel threatened or intimidated – including threatening to get someone sacked, shouting and using offensive language.
- Verbal or physical assault upon any person or persons.
- Criminal behaviour, including fraud.
- Financial mismanagement.
- Conflict between committee members that means the group ceases to operate effectively and is no longer representative
- Abuse of power - threatening to have an officer sacked or another tenant evicted instead of using appropriate channels to make a complaint.
- Abuse of power – public accusations about an individual in a meeting or by petition or by email and copying in senior managers, councillors and MPs instead of using the appropriate channels to make a complaint.

Please note that 'people' referred to above includes residents, officers, councillors, contractors and other people you come into contact with.

Financial irresponsibility

If an investigation is required, the relevant residents may be required to stand down from their position temporarily while the matter is looked into. Where a committee member or an involved resident has been proven to have deliberately fraudulently obtained funds, benefits, or property, they will be excluded from any further involvement with a recognised resident group. The council may also involve the police and its legal section.

Where mismanagement has resulted from a lack of information or training, the resident(s) will be expected to attend appropriate book keeping training.

Breach of the Code of Conduct process

It is difficult to be precise about how all breaches of the code of conduct will be dealt with. It can depend on the nature of the breach and the context within which the breach occurred. However, the following should act as a guide.

Breach at a meeting

1. Person asked to apologise and modify behaviour.
2. If person refuses they are asked to leave.
3. Person written to within one week, given the opportunity to apologise in writing within two weeks.
4. Person offered to attend training where relevant.
5. If a potential breach of tenancy may be referred to the Tenancy Team.
6. If actions not taken up by the person the organisers of the meeting are notified.

Breach outside of a meeting

Behaviour when acting on behalf of the association or in capacity as a member of a housing working group

1. Attempt to resolve amicably when it occurs.
2. Refer to the service manager or Resident Involvement Team as soon as possible.
3. Relevant officer investigates and informally meets the person.
4. If a potential breach of tenancy may be referred to the Tenancy Team.
5. In most cases person apologises and commits to not repeating behaviour.
6. If the behaviour is repeated person asked to withdraw involvement.

Outcomes

Depending on the circumstances, potential outcomes could be:

1. An apology is accepted.
2. An undertaking is agreed - eg to complete specific training or to stop a particular action.
3. The person might be removed from the housing working group.
4. The association might be asked to remove the person from the committee.
5. Tenancy action.
6. Referral for mediation.
7. Temporary de-recognition of a TRA.
8. Permanent de-recognition of a TRA.
9. Withdrawal of membership of the Area Panel.
10. Withdrawal of eligibility of Housing grant funding.
11. Withdrawal of eligibility to bid for the Estates Development Budget.

Length of withdrawal from resident involvement

When someone is no longer on a group due to the Breach of the Code of Conduct process they will be unable to take part in the next annual general or elections meeting.

This will be explained to the resident and will apply:

- When a person resigns from an association through this process.
- Is voted off the committee of an association through this process.
- Is asked to leave a Housing led resident working group.

Right to appeal

1. The person or residents' group who reported the breach, or the person or residents' group who have been asked to act in response to a breach of the code of conduct have the right to appeal.
2. In the first instance this should be to the Resident Involvement Manager or relevant service manager.
3. If not satisfied with the response refer the matter to the council's Standards and Complaints Team who will follow the complaints process.
4. Person or residents' group can contact and MP or local councillor to talk to Housing about the concern.
5. If have been through the complaints process and not satisfied can contact the Local Government Ombudsman.

Right to appeal if an association is de-recognised

1. It is open to a de-recognised association to appeal in writing to the Director of Environment, Development and Housing against de-recognition on the grounds that it complies with the policy.
2. During an appeal period the association shall not be entitled to the financial or consultation provisions made for recognised associations.

Please note that serious breaches of the Code of Conduct, allegations of financial mismanagement or of criminal behaviour may result in a TRA being derecognised by the council until the matter is resolved. In practice, this means that the council will cease to fund the association, and involve it in involvement and training initiatives.

All contact during the derecognised period will be confined to the issue under investigation, and a meeting will be arranged with council staff and the association's committee to discuss the process being followed; advise of expected future conduct, of any actions required by the association (eg training), and of potential consequences of further breaches. In extreme circumstances a report might also be made to the police.

Complainants will be told promptly how their complaint is being dealt with and the reasons for this.

Anti-social behaviour

The process of reporting anti-social behaviour (ASB) is through Housing Customer Services Team or by calling the police if it is an emergency.

This can be done in person at a housing office, by email Housing.CustomerServices@brighton-hove.gov.uk, or by telephone 01273 293030. They would then get advice on whether the matter should be recorded on the system only; or recorded and referred on for investigation by the Neighbourhood or Tenancy Enforcement Teams.

Another method of reporting is by using the on-line form on the council's website (search report a problem - council housing). The website states it is very difficult for the council to take action unless there are other witnesses or evidence to support what is being said by one person or the other.

The council cannot solve all neighbour disputes. While all ASB is recorded, the council provides funding to Brighton and Hove Mediation Service to solve some neighbour disputes and expects tenants who want to solve their neighbour disputes to participate in that process.