

Metropolitan Housing Partnership Tenant and Resident Association



Disciplinary Procedure

[Item 3b of the TRA model constitution is separate and is not subject to this procedure – this is to ensure that any group is able to continue to function despite members been unwilling or unable to invoke this procedure]

Introduction:

1. All members of the *name TRA* are subject to the Code of Conduct whether they have signed it or not;
2. The Disciplinary Procedure will only be invoked where there is no alternative route and is hoped will be used as an aid to right a problem rather than to punish;
3. Under section 9 of the Code of Conduct a breach can/will result in the use of the Disciplinary procedure.

Invoking the procedure:

4. Where a member breaches the Code of Conduct a proposal will be put to the next meeting of the *name of TRA* that a member should be subject to the Code of Conduct:
 - The proposer can be a member of the *name TRA* or any stakeholder of the group;
 - A vote of the group and a majority will confirm this course of action;
 - The person will then be asked to leave the meeting and the group will decide to:
 - a. Suspend the member from the group immediately and prepare to convene a disciplinary; or
 - b. If the breach was not as serious, for the member to continue in the meeting and convene a disciplinary.

Convening a Disciplinary Panel:

5. The Chair and/or Secretary and/or Treasurer will prepare to hold a disciplinary panel meeting:
 - One of the officers as Chair, two other members of the *name TRA* and a relevant officer from *name landlord* will form the panel;
 - One of the panel members will become 'prosecutor' and will ensure that all evidence and witnesses of the alleged breach will be presented to the panel;
 - A panel meeting date will be agreed with the member to take place as soon as practical after the *name TRA* vote or within 3 months;
 - Where the member has given full co-operation and a disciplinary panel has not taken place within 3 months all allegations will become null and void;

- All written evidence and proposed witnesses will be supplied by each party to the Chair of the panel 5 Working days (1 week) prior of the panel date. The Chair will then decide what is appropriate to make available to the member and the 'prosecutor', witnesses names may be withheld;
- The member can have someone in attendance with them to give support and advice;
- The Chair will decide whether the disciplinary will be open to all or not, what length it will be, whether evidence can be in statement form and whether the member can be in attendance throughout because of any behaviour issues.

Outcomes:

6. The panel should consider all the facts and evidence including calling witnesses as appropriate;
7. The member will be able to answer all allegations and can call witnesses and supply alternative evidence;
8. At the end of the session the panel will make a decision and inform the member of the outcome;
9. The following are possible outcomes (8a of the Constitution):
 - There is no evidence of misconduct and the member continues on the *name TRA*;
 - The panel finds the member to be in a minor breach. The member writes an apology to the person or group involved and membership of the *name TRA* continues;
 - The panel find the member to be in a serious breach and withdraw membership of the *name TRA*.

Appeal:

10. The member or ex-member may feel that they have been treated unfairly and has a right to appeal. A request for an appeal is to be put in writing to an involvement officer in *name landlord*;
11. An appeal will take place with a panel of not more than four, consisting of customers drawn from the *name landlord* governance structure;
 - This will be convened as soon as is practical after the request for the appeal;
 - The panel will consider the outcome of the Disciplinary panel, its notes and written evidence and will not usually accept any new evidence in particular that which was available at the original Disciplinary meeting, yet not presented by either party;
 - The Appeal panel can take into consideration the affect of overturning the Disciplinary procedure decision will have on the *name TRA* holistically;
12. The decision of the Appeal panel will be final.