

NDNA Code of Conduct for Members - Policy

Introduction

NDNA's vision is for a society where all children and families receive the best quality care and learning that enables them to reach their full potential.

NDNA's mission is to support the delivery of quality care and early learning for children across the UK.

The good name of NDNA is vital in enabling achievement of its mission to promote quality in early years. As a membership body, members* have a duty to one another to uphold high standards of professional conduct that maintain and enhance the reputation of NDNA. By committing to the code of conduct themselves in this way, members benefit one another by promoting NDNA as an organisation of good standing, enabling it to maximise its influence in the promotion and support of day nurseries and the vital service they deliver to children and families.

Members' Commitments

When members join NDNA, they make the following commitments to the charity and to one another:

- To support NDNA's mission
- To aim to provide high-quality care and early learning
- To conduct themselves in a professional manner when representing NDNA and fellow members
- To uphold the good name of NDNA
- To deal honestly and fairly in business with fellow members, employees, competitors, parents, partner organisations and the public
- Not to make detrimental public statements about fellow members or NDNA.

NDNA's Commitments

Our vision, mission, Memorandum and Articles of Association and Customer Charter inform NDNA's commitments to members.

In all our work with and on behalf of members we commit:

- To promote NDNA's mission
- To deliver services that support members to provide high quality care and early learning
- To conduct ourselves in a professional manner when representing members
- To uphold the good name of NDNA
- To deal honestly and fairly in business with members, employees, competitors, parents, partner organisations and the public.

Implementation

NDNA will notify existing members of the introduction of this Code [and will make available a copy of the Code on its website]. The Strategic Board has approved the final wording and adoption of the Code. Existing members are deemed to accept the Code from the date of implementation of 1 April 2010 in accordance with article 75 of the Articles of Association.

New members will be made aware of the Code and required to commit to it when they join NDNA.

The Code will be binding on all members throughout the term of their membership, and non-compliance with the Code may lead to expulsion as a member, without the refund of membership fees.

The Code of Conduct Policy and Procedure may be amended by NDNA from time to time in accordance with the Articles of Association.

Monitoring, Investigations and Sanctions

All NDNA members and staff will be responsible for monitoring the Code of Conduct and investigations into allegations that members have broken the code and any sanctions will be made following the *NDNA Code of Conduct – Procedures*.

NDNA Code of Conduct for Members – Procedures

This Code of Conduct is intended to clarify the procedure to be followed in circumstances where the Strategic Board is considering the exercise of its right to expel a member for conduct prejudicial to NDNA under article 13(e) of the Articles of Association.

Definitions

Complainant – person making a formal complaint about a member.

Defendant – member about whom a formal complaint has been made.

Misconduct - any action that is contrary to the standards expected of a member which are outlined in the NDNA Code of Conduct – Policy.

Principles

To ensure that the Code of Conduct is upheld, from time to time it may be necessary to conduct investigations into instances of misconduct or complaints against NDNA members. These investigations:

- Will uphold the principle that defendants are innocent of all allegations until the formal process has been concluded and a decision reached
- Will ensure a fair hearing for the defendant through a committee process with the right to appeal
- Will be conducted as quickly, confidentially and professionally as possible to minimise distress to all concerned
- Complainants will be identified to defendants, except in the most extreme circumstances where the Chief Executive of NDNA judges that to do so might endanger the complainant
- Complaints judged to be vexatious, for example if they are not substantiated in writing or with evidence, will not be considered, and members found to be making vexatious complaints are themselves considered to be in breach of the Code of Conduct
- Wherever reasonable NDNA will seek to conciliate to resolve any possible complaint
- Legal responsibility - NDNA shall have no liability to any member or third party for any member's non-compliance with the law. All members agree to abide by the law, in particular not to defame anyone or commit libel. Members indemnify NDNA against any damage, costs, expenses or other claims for compensation arising from any material supplied by them which is indecent, untrue, defamatory, libellous or otherwise contrary to the legal rights of other members or third parties
- Members who have been expelled or otherwise sanctioned under this Code of Conduct shall have no claim against NDNA (whether in contract or in tort, including negligence) in the absence of manifest error on the part of NDNA in applying this Code of Conduct to the case in question.

Making complaints

- Any NDNA member may bring a complaint against an NDNA member who they believe to be in breach of the Code of Conduct
- It will be the duty of all members to bring to the attention of NDNA's National Membership Manager a complaint against a member who they believe to be in breach of the Code of Conduct.

Complaints process

- A person wishing to make a complaint will be sent a copy of the Code of Conduct – policy and procedure by the National Membership Manager and asked to confirm that they wish to make a formal complaint
- Complaints must be sent confidentially in writing to the National Membership Manager and include full details and evidence of the alleged breach of the Code of Conduct
- Provided the complaint does fall within the scope of this Code, the National Membership Manager will send details of the complaint to the defendant and invite him or her to respond in writing
- A meeting of the Code of Conduct Committee will take place. The evidence from both the complainant and defendant will be examined and both parties will be invited to attend in person according to the Committee procedure below
- The Code of Conduct Committee may dismiss the complaint on the basis of either not being relevant to the Code of Conduct or lack of evidence, or may uphold or partially uphold the complaint and sanction the defendant
- If the defendant does not agree with the decision of the Committee, they may appeal within 10 working days to the Strategic Board by letter to the Chair of Trustees stating the reasons for appeal and providing relevant evidence
- The appeal will be heard at the next scheduled Strategic Board meeting. The Strategic Board may decide to uphold or overturn the decision of the Code of Conduct committee and the decision of the Board is final. The defendant will be notified of the Board's decision within five working days of the meeting
- Complainants and defendants commit to recognise the sensitive nature of complaints under this process and will keep details confidential and not discuss publicly
- The National Membership Manager will ensure that a record of any complaints, subsequent action and related correspondence is kept in a confidential central file in the Chief Executive's office.

Code of conduct committee

The committee will comprise:

- Two NDNA trustees (at least one to be a Regional or National Chair).
- Chief Executive (Chair)
- Director of Membership, Policy and Communications
- National Membership Manager (Secretary).

Any committee members who have personal relationship with the defendant or complainant that represents a conflict of interest will be exempt from the process on the grounds of that conflict of interest and a substitute will be sought. If any committee members are unable to attend the meeting, the chair may appoint a suitable substitute, subject to the agreement of the defendant and complainant.

Procedure for Code of Conduct Committee Meeting

- 1 Introductions and confirmation that committee members have no conflict of interest
- 2 Defendant may be accompanied by one family member, friend or fellow NDNA member
- 3 Procedure explained to defendant
- 4 Complaint read and defendant's written answer considered
- 5 Defendant invited to respond and questioned by committee
- 6 Defendant invited to call by prior arrangement any witnesses to give evidence and respond to questions from committee
- 7 Defendant, any companion and witnesses asked to withdraw whilst committee considers case
- 8 Defendant and representative recalled and advised of judgement and any sanction verbally, confirmed in writing by Chair within five working days
- 9 Chair of committee writes to complainant within 10 working days to advise whether the complaint is upheld
- 10 Minutes will be taken by the secretary and signed by the Chair on behalf of all committee members
- 11 The committee may consider any evidence, whether oral or written
- 12 Decisions will be taken by the committee on the basis of what is reasonable on the balance of probabilities
- 13 If the committee is not unanimous the decision can be taken on a majority of over 50 per cent of those committee members in attendance.

Sanctions

The Code of Conduct committee may make one or more of the following sanctions according to the severity of the breach:

- A written reprimand
- Suspension of membership for up to one year
- Exclusion from holding an official post such as network or regional chair or from representing NDNA at any external event or occasion for up to one year
- Permanent exclusion from membership.

No refund of paid membership fees will be made in the event of the above sanctions.

Immediately upon being expelled or suspended as a member, members must stop using the NDNA logo or the name NDNA. They should take down any signage and stop using any stationery etc. incorporating the logo or the name.

Notes

* 'members' are members of NDNA's National Membership Council as defined by the charity's Memorandum and Articles of Association.

Nothing in this Code shall affect the statutory rights of consumers, or the liability of NDNA for death or personal injury caused by its negligence, or its liability for fraud.