



## **CONSTITUTION**

**25 APRIL 2007**

**Charity Reg.No. 299154**

**Article 1 NAME**

The name of the Association shall be "THE ASSOCIATION OF DIRECTORS OF ADULT SOCIAL SERVICES".

**Article 2 OBJECT**

The object of the Association shall be:

- (a) To promote the education of the public in matters of social policy, social organisation and social problems.
- (b) To promote the relief of poverty.
- (c) To promote the relief of the aged, sick and disabled and the preservation and protection of physical and mental health for the benefit of the public.
- (d) To promote the preservation of family life for the benefit of the public.

**Article 3 STATEMENT OF PURPOSE, VALUES AND OBJECTIVES**

**Purpose**

The purpose of the Association is to bring together its members in order to promote its values and objectives.

**Values**

- ◆ All individuals are entitled to be treated with respect and in a dignified manner
- ◆ Individuals and groups should experience no disadvantage or discrimination due to race, creed, colour, gender, status, sexuality, disability or frailty
- ◆ All individuals are entitled to the full rights, responsibilities, dignity and respect of citizenship and are to be encouraged to exercise them
- ◆ Vulnerable people are entitled to expect protection as citizens, to have their voices heard and to have the means to live purposeful and independent lives
- ◆ Families in their many forms, and given the economic and social support of the communities around them, are the foundations of a stable, healthy society which adapts to change.

- ◆ Social care services must be accountable through local democracy and play their part in achieving cohesive communities inclusive of all
- ◆ Those who deliver social care services should be accredited as having the necessary attitudes, knowledge and skills

### **Objectives**

- ◆ To encourage membership of the Association
- ◆ To promote the values of the Association
- ◆ To further comprehensive, equitable, social policies and plans which reflect and shape the economic and social environment of the time
- ◆ To further the interests of those who need social care services regardless of their backgrounds and status
- ◆ To promote high standards of social care services
- ◆ To influence legislation and policy in line with the values of the Association at local, regional, national and international level
- ◆ To promote partnership working with people who use social care services and organisations that provide services which share the values of the Association
- ◆ To publicise the work of the Association and to promote public understanding of social care needs and delivery, and related social policy issues
- ◆ To advise and support individual members pursuing their professional responsibilities whilst that is compatible with the values and objectives of the Association
- ◆ To further the professional development of the Association's members and provide opportunities for them to share knowledge and skills
- ◆ To foster international co-operation in accordance with the values and objectives of the Association

## **Article 4 CODE OF CONDUCT AND DECLARATION OF INTERESTS**

The Association shall have a Code of Conduct. The approved Code of Conduct in the Fifth Schedule does not form part of this Constitution. The approved Code of Conduct may be amended only on the recommendation of the Executive Council to the Annual General Meeting of the Association and by a simple majority of Members present.

All Members of the Association are expected to maintain the highest possible ethical, personal and professional standards in the discharge of the professional responsibilities and in the exercise of membership of the Association. All Members should register with the Honorary Secretary, in a form approved by the Executive

Council, any personal, professional, financial or other interest which they or others might hold to have a bearing on their probity or participation within or membership of the Association.

## **Article 5 MEMBERSHIP**

Membership of the Association shall be open to:

- Directors of Adult Social Services holding an appointment in accordance with Schedule 2 of the Children's Act 2004 that amended the Local Authority Social Services Act 1970: or
- Such other persons, as determined by the Executive Council, who may be performing like functions under relevant legislation in Scotland, Northern Ireland, Wales, the Isle of Man and the States of Jersey and Guernsey; and,
- Whose completed Form of Application for Membership in the Fourth Schedule is accepted by the Honorary Secretary.

The Approved Form of Application for Membership in the Fourth Schedule does **not** form part of this Constitution. The Approved Form of Application may be amended only on the recommendation of the Executive Council to the Annual General Meeting of the Association and by a simple majority of Members present.

## **Article 6 REFUSAL AND TERMINATION OF MEMBERSHIP**

- (a) A member of the Association may resign from the Association at any time by notification in writing to the Honorary Secretary.
- (b) Full membership of the Association under Article 5 shall cease automatically from the date of termination of the statutory or relevant appointment.
- (c) Where the Honorary Secretary believes there are good and sufficient reasons for refusing admission to or termination of the Association membership, the matter shall be referred to the Trustees of the Association who shall make a recommendation to the Executive Council for determination.
- (d) The Trustees of the Association must be satisfied that they have good and sufficient reasons to refuse to admit or terminate membership. Before consideration of such a matter, the Honorary Secretary shall notify the person in writing not less than 28 days prior to the meeting of the Trustees to consider it. A Member so notified may make both a written and oral presentation to the Trustees of the Association before any recommendation is made to the Executive Council. The member shall have the right to be accompanied but not legally represented at such a meeting. The procedure at the meeting shall be a matter for the chair of the meeting to determine.
- (e) A person shall be refused or removed from membership of the Association under Articles, 5, 6, 7 and 8 on confirmation of a recommendation of a majority of the Trustees of the Association to this effect by the Executive Council. This decision shall be made by a recorded vote of the Executive

Council and requires a two-thirds majority of members present and voting be obtained. The decision of the Executive Council shall be confirmed in writing by the Honorary Secretary.

- (f) A person whose membership is terminated by the Executive Council may appeal to the Annual General Meeting by giving notice in the manner set out in paragraph 19 (e) except that such notice need not be seconded and, for this purpose only, the appellant shall have the rights as if he or she were a member. The appellant shall have the right to be accompanied by a representative.
- (g) An appeal to the Annual General Meeting under paragraph 6(f) shall be heard in such manner as the Chairman of the meeting may direct and shall be determined by a simple majority of members present and voting.

#### **Article 7 HONORARY MEMBERSHIP**

A General Meeting of the Association may, on the recommendation of the Executive Council, admit to honorary membership any person who has rendered distinguished service to the social services. Honorary members shall be eligible to attend Association Conferences and Meetings but will not be eligible to vote.

#### **Article 8 ASSOCIATE MEMBERSHIP**

- (a) All full members of the Association under Article 5 and who have left their post shall be eligible for associate membership of the Association on acceptance by the Honorary Secretary of the Approved Form of Application as set out in the Fourth Schedule.
- (b) Former Directors of Social Services who held an appointment in accordance with Section 6 of the Local Authority Social Services Act 1970 shall be eligible for associate membership on acceptance by the Honorary Secretary of the Approved Form of Application as set out in the Fourth Schedule.
- (c) Associate members shall be eligible to attend Association Conferences and meetings but will not be eligible to vote. Such members will not be eligible to participate in Branch Meetings except by invitation.

#### **Article 9 CHARACTER**

- (a) The Association shall be non-protective in character; that is to say it shall not be competent for any meeting of the Association or of the Executive Council or of any Regional Branch or special interest group or of any Committee or Sub-Committee to discuss the salaries or conditions of service of Directors of Adult Social Services.
- (b) Paragraph 9 (a) shall not be construed as precluding discussion of the salaries or conditions of service of members of the staff of Adult Social Services Departments other than Directors.

- (c) The Association is committed to the pursuit of equal opportunities in all its activities and particularly in relation to its own employment practices.

## **Article 10 ANNUAL SUBSCRIPTIONS – MEMBERS AND ASSOCIATE MEMBERS**

- (a) The Association's financial year runs from 1<sup>st</sup> January to 31<sup>st</sup> December. Membership subscriptions will be payable annually in accordance with the scale set out in the First Schedule annexed to this Constitution. The Schedule shall not form part of the Constitution and its contents may be amended by simple majority vote at any meeting of the Association.
- (b) Associate members' subscriptions shall be in accordance with the scale set out in the First Schedule annexed to the Constitution. Persons newly joined as Associate members shall pay a first subscription proportionate to the monthly fraction of the year from the date joined to the following 31<sup>ST</sup> December. Persons ceasing to be members shall be liable to pay a subscription calculated similarly for the period from the 1st January to the date of resignation or termination of membership.
- (c) Persons whose subscriptions are fifteen months in arrears shall automatically cease to be members, associate members but may be re-admitted to membership on payment of the amount due.

## **Article 11 THE TRUSTEES**

- (a) The Trustees of the Association shall be the President, the Immediate Past President, the Vice President, the Honorary Secretary, the Honorary Treasurer and no more than three Honorary Assistant Secretaries. The Trustees shall be responsible for controlling the management and administration of the Association. The Trustees Committee is the charity's governing body. All Trustees must be full members of the Association.
- (b) The Executive Council and the Trustees Committee may from time to time appoint members of the Association or others to perform functions on behalf of the Association. Such appointments shall not confer the right to membership of the Trustees Committee or Executive Council.

## **Article 12 EXECUTIVE COUNCIL**

- (a) The Association shall have an Executive Council charged with the development and implementation of the objectives of the Association and subject to the governance of the Association's Trustees. The Executive Council shall consist of the following:
- The Trustees of the Association
  - The Chairs of all Committees which have been approved by the Executive Council
  - Two Regional Representatives, usually the Chair and Secretary, from each regional Branch

- (b) The term of office of a Regional Representative should be determined by the Branch. In the event of a Regional Representative being unable to attend a meeting a deputy may attend in his/her place.
- (c) The chairs of all Policy Committees and Regional Representatives shall be elected in accordance with Article 22 of this constitution and ratified annually at the AGM.
- (d) No person shall be eligible to serve on the Executive Council in more than one capacity simultaneously.
- (e) The Executive Council shall have authority to invite members of the Association to attend their meetings. Persons so invited shall be known as "attending members" and they shall be entitled to receive documents and take part in discussions but not to vote.
- (f) Meetings of the Council shall be held at least quarterly.
- (g) The Honorary Secretary shall convene a Special Meeting of the Executive Council within fourteen days of the receipt by him or her from each of three members of the Council of a signed requisition in terms which clearly invoke this paragraph, provided that at least one of the requisitions shall set out the terms of a motion or motions to be discussed at the Special Meeting.
- (h) Six members of the Executive Council shall form a quorum.

**Article 13 ELECTION OF TRUSTEES AND POLICY COMMITTEE CHAIRS**

- (a) The Vice President shall be elected annually. The Vice President will take up post at the Annual Seminar following their election and become President at the second following Annual Seminar. The existing President shall retire when replaced by the Vice President. The Honorary Secretary and the Honorary Treasurer shall be elected every three years. Elections shall be conducted by ballot. The result of any ballot shall be ratified by the Executive Council. The Honorary Assistant Secretaries shall be non-elected officers which are to be filled by and at the discretion of the Trustees Committee. The term of office for Honorary Assistant Secretaries shall be three years. The Trustees Committee shall each year appoint the Honorary Auditor(s).
- (b) A member who has been elected or appointed to the same office in each of five successive years may not stand for election or appointment to the same office in the sixth year without the approval of the Executive Council. The Officers to which this paragraph relates shall be:
  - The Honorary Secretary
  - The Honorary Treasurer
  - The Honorary Assistant Secretaries
- (c) A candidate for election shall be a full member of the Association.

- (d) A person ceasing to be a member of the Association shall cease to be an Officer or Representative. Exceptionally the President of the ADSS completing his term of office at the launch of ADASS shall remain both a member of ADASS and a Trustee of the Association in the role of Immediate Past President until April 2008.
- (e) If the President resigns or ceases to be eligible to continue in office, the Executive Council may appoint the Immediate Past President, or the Vice President to fill the vacancy, provided she or he consents.
- (f) If the Vice President resigns or ceases to be eligible to continue in office, the Honorary Secretary shall conduct an election to fill the vacancy. The successful candidate shall take up office as Vice President immediately, becoming President at the next Annual Seminar.
- (g) If a vacancy occurs in any office, other than Immediate Past President, and the Executive Council does not make an appointment under paragraph 13 (e), the Honorary Secretary shall conduct an election to fill the vacancy.
- (h) A candidate for election shall be nominated and seconded in writing by members of the Association and shall signify in writing his or her unconditional consent to stand for election.
- (i) In calling for the return of ballot papers, the Honorary Secretary shall state the last date upon which they must be received.
- (j) If there is an equality of votes, the candidates who have received an equality of votes shall be invited to draw lots to determine which shall fill the vacancy or vacancies.
- (k) All elections under this Article shall be determined by simple majority in a single ballot except that the election of a Vice-President shall be determined by the system known as the Single Transferable Vote.
- (l) All elections under this Article shall be conducted by the Honorary Secretary of the Association or an Honorary Assistant Secretary.
- (m) No person shall vote in any election in which he or she is nominated as a candidate.
- (n) As the Membership includes approximately equal numbers of men and women, the Executive Council and Branches will actively seek and support women candidates for the post of President on an annual basis in order to ensure there is a balanced representation on future short lists”

#### **Article 14 DUTIES OF HONORARY SECRETARY**

The duties of the Honorary Secretary shall be to convene all meetings of the Association and of the Trustees Committee and Executive Council and to keep the minutes thereof; to prepare and circulate in advance to members a draft Annual Report for submission to the Annual General Meeting containing the audited statement of accounts; and generally to transact the administrative business of the Association. The Honorary Secretary may delegate any of the duties of this office to

the Honorary Assistant Secretaries and as regards the convening of, and recording the proceedings of, any special meeting of the Association she or he may delegate the duties to any member of the Association.

#### **Article 15 DUTIES OF HONORARY ASSISTANT SECRETARIES**

The duties of the Honorary Assistant Secretaries shall be to assist the Honorary Secretary.

#### **Article 16 DUTIES OF THE HONORARY TREASURER**

The duties of the Honorary Treasurer shall be to receive and pay all monies due to and from the Association generally, and to prepare annually a detailed Statement of Accounts made up to the 31st December which shall be submitted to the Honorary Auditors of the Association and subsequently to the Honorary Secretary for inclusion in the Annual Report. In addition the Honorary Treasurer shall manage the Associations sponsorship arrangements and advise the Trustees on issues relating to the Associations finances.

#### **Article 17 DUTIES OF HONORARY AUDITORS**

The duties of the Honorary Auditors shall be to examine the Annual Statement of Accounts, financial books and documents of the Association and to certify whether they are correct or not.

#### **Article 18 PROPERTY**

- (a) A Bank Account shall be opened in the name of the Association at such bank or banks as the Trustees Committee shall from time to time decide. The Trustees Committee shall authorise, in writing, the Honorary Treasurer, the Honorary Secretary and any three other people authorised in name by the Trustees Committee. All cheques must be signed by not less than two of the authorised signatories.
- (b) The Trustees Committee may appoint a corporation lawfully entitled to act as custodian trustee or not less than two nor more than four individual persons to hold any property held by or in trust for the Association or may with the agreement of the Official Custodian for Charities transfer to him personal property (within the meaning of Section 16(2) of the Charities Act 1986) so held and make application for an order vesting in him any other properties so held.

#### **Article 19 MEETINGS AND CONFERENCES**

- (a) An Annual General Meeting shall be held each year at the Annual Seminar to receive the Annual Report and Statement of Accounts and to transact such other business as may be proper.

- (b) The Annual General Meeting shall be called on such a date and at such centre as the Trustees Committee shall decide.
- (c) The Trustees shall call a meeting of the Association at any time as is necessary.
- (d) The Honorary Secretary or a member of the Association appointed by him or her shall convene a Special Meeting of the Association within one calendar month of the receipt by him or her from each of ten members of the Association of a signed requisition in terms which clearly invoke this paragraph provided that at least one of the requisitions shall set out the terms of a motion or motions to be discussed at the Special Meeting.
- (e) The President shall preside at General Meetings, Conferences and Meetings of the Trustees Committee and the Executive Council of the Association. In the absence of the President the Vice-President shall preside. In the absence of the above named Officers the Meeting or Conference shall elect its own Chairperson.
- (f) Any member of the Association may bring forward any matter appropriate to the Association for consideration at any Meeting by giving the Honorary Secretary at least three months previous Notice of Motion in writing. Such Notice of Motion shall be seconded by another member of the Association before it is submitted to the Honorary Secretary. The Honorary Secretary shall, at least two months before the Meeting, inform the members of the terms of any Notice of Motion which may be received. Notice of Amendment to any such Motion shall be given in writing to the Honorary Secretary at least one month before the meeting. Any Notice of Amendment shall be seconded by another member of the Association before submission to the Honorary Secretary. Notices of Motion and Notices of Amendment shall be circulated with the Agenda for the Meeting.
- (g) Where two or more Motions, notices of which have been given in accordance with paragraph 19(e), to a Meeting relate to the same subject the Executive Council shall be empowered to submit a composite Motion. The President shall be empowered to decide the appropriateness of a Motion to the Association; where he or she decides a Motion is not appropriate this shall be reported to the Meeting.
- (h) If a Motion to a Meeting, notice of which has been given in accordance with paragraph 19 (f), is not moved or seconded at the Meeting, it shall, unless postponed by consent of those present at the meeting, be treated as abandoned.
- (i) A Motion to a Meeting of which notice has been given in accordance with paragraph 19(e) after being moved and seconded, may, should the Meeting so determine, stand referred to the Executive Council or such other Committee as the Meeting may determine for consideration or consideration and report. A member who has proposed a Motion so referred shall be invited to the Meeting at which the Motion will be considered.
- (j) A Motion to a Meeting of which notice has not been given in accordance with paragraph 19(e) shall, after being moved and seconded without discussion, stand referred to the Executive Council or such other Committee as the Meeting may determine for consideration, or consideration and reports;

provided that the President may, if she or he considers it convenient or expedient, or if a majority of the members present consider the Motion urgent, allow the Motion to be dealt with at the Meeting at which it is moved. A member who has proposed a Motion which has been referred to the Executive Council or any Committee shall be invited to the Meeting of the Council or Committee at which it is proposed to consider the Motion.

- (k) Any amendment to a motion notice of which has not been given in accordance with paragraph 19(e) must be made in writing and be in the hands of the Honorary Secretary at least one hour before the beginning of the Annual General Meeting.
- (l) It shall be competent for the Executive Council to promote Motions for discussion at the Annual General Meeting notwithstanding that the terms of paragraph 19(e) have not been complied with, providing that no Motion introduced by virtue of the provision of this paragraph shall purport to amend the Constitution.
- (m) The Honorary Secretary shall send to each member a notice and agenda concerning each meeting of the Association at least two weeks before the meeting.
- (n) At any General Meeting a quorum shall be one quarter of the total membership of the Association.

## **Article 20 VOTING AT MEETINGS**

- (a) Any Motion which does not purport to amend this Constitution or to dissolve the Association shall be determined by a simple majority of those members attending the meeting at which the Motion is put. Each member shall have one vote and in the event of an equality of votes the Chairperson shall have a second or casting vote.
- (b) A member may appoint a second member to be her or his proxy and to vote on their behalf at any meeting of the Association on any Motion which purports to amend the Constitution or to dissolve the Association. Each member shall have one vote, and such a Motion shall not be carried unless it receives the support of at least two-thirds of the members who vote, either in person or by proxy.

## **Article 21 SUSPENSION OF ARTICLES AT MEETINGS OF THE ASSOCIATION**

At any meeting of the Association a member may rise on a point of order and propose the suspension of any Article or Articles and of any paragraph or paragraphs of the Constitution in so far as they relate to the conduct of the meeting, so long as the suspension does not constitute an unlawful act. If the proposal is seconded it shall forthwith be debated and put to the vote. If the Motion secures the support of two-thirds of the members present and voting it shall have the effect of suspending the operation of the Articles or paragraphs to which it relates until the end of the meeting or until a Resolution is passed to terminate the suspension, whichever shall be the earlier.

## **Article 22 REGIONAL BRANCHES AND POLICY COMMITTEES**

- (a) The Executive Council may establish Regional Branches and Committees to handle particular matters. The Constitution of any such Branch or Committee shall be approved by the Executive Council. It shall not be competent for any Branch or Committee to act in the name of the Association except with the approval of the Executive Council.

### **Regions**

- (b) The composition of Regional Branches shall be as set out in the Second Schedule annexed to this Constitution. The Schedule shall not form part of the Constitution and its contents may be amended by simple majority vote at any meeting of the Association.
- (c) The Chair and Secretary of each Regional Branch shall be elected by ballot conducted within the Branch (or such other method as the Branch may determine).
- (d) The Chair and Secretary will normally also hold the post of Regional Representative on the Executive Council however the Branch may decide to elect alternative Regional Representatives.
- (e) A candidate for election as Chair or Secretary of the Branch or Regional Representative shall be a member of the corresponding regional Branch and a full member of the Association. Only members of a regional branch shall be entitled to vote for a representative of that Branch.
- (f) The name of the Chair and Secretary and /or Regional Representatives shall be notified to the Honorary Secretary immediately following their election, and shall be ratified annually at the AGM.
- (g) Each Regional Branch shall submit a report of their year's activities to the Honorary Secretary of the Association.
- (h) Regional Branches, at their discretion, shall have the power to permit substitute members of staff to attend Branch meetings where Directors are unable to do so.
- (i) Any application for the transfer of Authorities between Regional Branches must have the approval of the two Regions involved and the Executive Council.

### **Policy Committees**

- (j) The Committees directly accountable to and established by the Executive Council shall be as set out in the Third Schedule annexed to this Constitution. The Schedule shall not form part of the Constitution and its contents may be amended by a simple majority vote at any meeting of the Executive Council.
- (k) Each Policy Committee shall submit a quarterly report of its activities and work under its control to the Executive Council.

- (l) Each Policy Committee will submit a Business Plan to the Annual Policy Event.
- (m) Policy Committee may have a single or joint Chair. Elections for the Chair of each Policy Committee will be conducted in accordance with Article 13 sections (c) (d) (g) (h) (i) (j) (k) (l) (m). Posts will be held for three years.
- (n) The Policy Committee may establish sub-committees and project groups as appropriate.
- (o) Each Regional Branch shall be entitled to nominate representatives onto each Policy Committee identified at the Third Schedule. Each Policy Committee will be entitled to co-opt into full membership, additional members. No member of the committee will be entitled to Chair that committee if they are not a member of the Association as defined at Article 5.

### **Article 23 ALTERATION AND INTERPRETATION OF THE CONSTITUTION**

- (a) Any Motion proposing that any Article of this Constitution be rescinded, added to or amended shall be proposed in accordance with paragraph 19(e) and shall be determined in accordance with paragraph 20 (b).
- (b) Articles 2 and 24 and this Article shall not be rescinded added to or amended without the prior consent of the Charity Commissioners and no Article shall be rescinded added to or amended in such a way as to cause the Association to cease to be a charity.
- (c) Any doubt as to the interpretation of this Constitution shall be determined in the first instance by the Executive Council who shall give notice of their interpretation to the next Annual General Meeting. It shall be competent for the Meeting to vary the interpretation made by the Executive Council by a simple majority of those present and voting.

### **Article 24 DISSOLUTION OF THE ASSOCIATION**

Any Motion to dissolve the Association shall be proposed in accordance with paragraph 19(e) and shall be determined in accordance with paragraph 20(b). In the event of dissolution any assets of the Association remaining after the satisfaction of all debts and liabilities shall be applied for the benefits of a charitable body whose activities are seen to be compatible with the objects of the Association. Such a body to be determined by the outgoing Trustees.

### **Article 25 MEMBERS' EXPENSES**

The Honorary Treasurer shall be authorised to reimburse reasonable claims for travelling and subsistence expenses incurred by any member formally asked to represent the Association at a Conference or other activity where such expenses cannot be reclaimed from the member's own Authority, or where it would not be appropriate for a claim to be submitted to that Authority. Any dispute arising from such a claim shall be referred to the Trustees Committee for determination.

**Article 26 MATTERS NOT DEALT WITH IN THE CONSTITUTION**

Any matter not dealt with in this Constitution shall be determined for the time being by the Trustees following recommendation from the Executive Council.

## THE FIRST SCHEDULE

### Membership Fees

**For 2007 the annual subscription shall be as follows: -**

Full Members	£ 370
Associate members	£ 220
Associate members reduced rate	£ 90
Existing retired members	£ 30

## THE SECOND SCHEDULE

### List of Regions

REGION	COUNCIL
<b>Northern 12 Members</b>	Darlington, Durham, Gateshead, Hartlepool, Middlesbrough, Newcastle upon Tyne, Northumberland, North Tyneside, Redcar & Cleveland, South Tyneside, Stockton-on-Tees, Sunderland.
<b>Yorkshire &amp; Humberside 15 Members</b>	Barnsley, Bradford, Calderdale, Doncaster, East Riding of Yorkshire, Kingston-upon-Hull, Kirklees, Leeds, North East Lincolnshire, North Lincolnshire, North Yorkshire, Rotherham, Sheffield, Wakefield, York.
<b>North Western 23 Members</b>	Blackburn, Blackpool, Bolton, Bury, Cheshire, Cumbria, Halton, Isle of Man, Knowsley, Lancashire, Liverpool, Manchester, Oldham, Rochdale, St. Helens, Salford, Sefton, Stockport, Tameside, Trafford, Warrington, Wigan, Wirral.
<b>Northern Ireland 15 Members</b>	Northern, Southern, Eastern and Western Health & Social Services Boards, North Down & Ards Community H&SS Trust, Down Lisburn H&SS Trust, South & East Belfast H&SS Trust, North & West Belfast H&SS Trust, Causeway H&SS Trust, Homefirst Community H&SS Trust, Armagh & Dungannon H&SS Trust, Craigavon & Banbridge Community H&SS Trust, Newry & Mourne H&SS Trust, Foyle H&SS Trust, Sperrin Lakeland H&SC Trust.
<b>East Midlands 9 Members</b>	Derby, Derbyshire, Leicester, Leicestershire, Lincolnshire, Northamptonshire, Nottingham, Nottinghamshire, Rutland.
<b>West Midlands 14 Members</b>	Birmingham, Coventry, Dudley, Herefordshire, Sandwell, Shropshire, Solihull, Staffordshire, Stoke-on-Trent, Telford & Wrekin, Walsall, Warwickshire, Wolverhampton, Worcestershire.
<b>Eastern 10 Members</b>	Bedfordshire, Cambridgeshire, Essex, Hertfordshire, Luton, Norfolk, Peterborough, Southend on Sea, Suffolk, Thurrock.
<b>Greater London 34 Members</b>	Corporation of London and all London Boroughs.
<b>South Eastern 20 Members</b>	Bracknell, Brighton & Hove, Buckinghamshire, East Sussex, Hampshire, Isle of Wight, Kent, Medway, Milton Keynes, Oxfordshire, Portsmouth, Reading, Southampton, States of Guernsey, States of Jersey, Surrey, West Berkshire, West Sussex, Windsor & Maidenhead, Wokingham.
<b>South Western 16 Members</b>	Bath & N.E. Somerset, Bournemouth, Bristol, Cornwall, Devon, Dorset, Gloucestershire, Isles of Scilly, North Somerset, Plymouth, Poole, Somerset, South Gloucestershire, Swindon, Torquay, Wiltshire.
<b>Wales 22 Members</b>	Isle of Anglesey, Blaenau Gwent, Bridgend, Caerphilly, Cardiff, Ceredigion, Carmarthenshire, Conwy, Denbighshire, Flintshire, Gwynedd, Merthyr Tydfil, Monmouthshire, Neath Port Talbot, Newport, Pembrokeshire, Powys, Rhondda cynon Taff, Swansea, Torfaen, Vale of Glamorgan, Wrexham.

## **THE THIRD SCHEDULE**

### **Policy Committees**

#### **Policy Committees**

1. Older People
2. Disabilities
3. Standards & Performance Management
4. Resources
5. Workforce Development

## THE FOURTH SCHEDULE

### APPLICATION FOR ADASS MEMBERSHIP

Title:

Surname:

Forename(s):

Work email address:

Name of Authority:

Job Title:

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Local Authority address:

Home address (optional):

Tel

Tel

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I Apply for Full / Associate \* membership of the Association

I declare that (delete which ever does not apply)

- I am/was\* a Director of Social Services within the meaning of Section 6 of the Local Authority Social Services Act 1970, or
- I am / was\* a Director of Adult Social Services within the meaning of Section 6 of the Local Authority Social Services Act 1970, as amended by the Children Act 2004, or
- I am the Chief Executive of a Care Trust that directly employs social care staff and / or commissions social care services

I have received and agree to abide by the ADASS Code of Conduct in Schedule Five of the constitution

I will register with the Honorary Secretary of ADASS, voluntarily, any other personal interests, memberships, employment or sponsorship having a direct bearing on my participation within and continued membership of the ADASS

Signed:

Date:

\*(Delete whichever does not apply)

**Please return to ADASS Business Unit, Local Government House, Smith Square, London SW1P 3HZ**

## THE FIFTH SCHEDULE

### CODE OF CONDUCT

#### 1. Introduction

The Association has made provision for a Code of Conduct binding upon all Members of the Association. All individuals seeking or wishing to continue in Membership of the Association under Articles 4, 7 and 8 of the Association must make a declaration that they will abide by this Code of Conduct as a condition of Membership.

This Code covers both the reality and the appearance of conduct. This is to ensure the conduct of Members of the Association is beyond reproach and the highest standards of ethical conduct are maintained in the interests of the standing of the Association, the maintenance of its values and pursuit of its objectives.

All full Members of the Association are asked to consider and to comply with the current or any future Code of Practice for local government employees.

#### 2. Standards

All Members are expected to avoid any act that may bring the Association into disrepute or diminish the trust and confidence of the public and to abide by the seven principles of public life (Appendix A).

All Members are expected to maintain the highest possible ethical, personal and professional standards in carrying out their professional responsibilities and in the exercise of Membership of the Association.

#### 3. Misuse of Information

Information gained in the course of membership or employment must not be used for personal gain or benefit. Information entrusted for one purpose should not be used for another without consent. Neither should such information be passed on to others who might use it in such a way. Information received in confidence should be respected unless non-disclosure would place the proper protection of an individual at risk or concealment result in a breach of the law.

#### 4. Relationships

Members are expected to be mindful of their professional standing and of their obligations to users, carers, society, employers, each other, and to other professionals.

All Members of the Association will give precedence to their professional responsibilities over their own personal interests in their relationship with Councillors, the local community, users, carers, contractors or any other person coming to them in their professional capacity.

Members of the Association will be expected to work with others in the interests of the Association and in pursuit of its objectives. In making any public statements or undertaking public activities, Members must be clear whether they are acting in a personal, official or professional capacity.

It is the responsibility of all Members of the Association to ensure they maintain a clear distinction between their personal and professional relationships within their work situation. Neither should they, as a result of membership of any other organisation, place themselves in a position where their motivation or probity may be called into question.

Members may not impose their personal, religious or political beliefs on any person with whom they are in a professional relationship or to suggest that refusal or acceptance of such beliefs may lead to different or preferential treatment.

## **5. Personal Interests**

All Members of the Association are responsible for informing the Honorary Secretary or Treasurer of the Association of any personal, professional, financial or other non financial interest arising from their professional activity they consider may conflict with or bear upon their participation in the Association and to seek advice.

All Members are encouraged and expected to register, voluntarily, with the Honorary Secretary any personal or professional financial or other interest they or others might perceive to have a bearing on their probity, participation or Membership. This would exclude membership of other professional associations and learned bodies not involved in contractual relationships with the Association.

All Members are reminded that membership of closed or secret organisations, whose activities are generally considered to be incompatible with the Association's values, will result in a review of Membership.

## **6. Fairness and Equity**

All Members are expected to uphold relevant legal requirements in the promotion and maintenance of non-discrimination. Fairness and impartiality must be applied in all activities on behalf of the Association.

## **7. Upholding the Law**

Members of the Association shall not commission nor assist in an infringement of the law by people with whom they have a professional relationship nor collude with individuals in the evasion of the consequences of an illegal act.

## **8. Hospitality and Sponsorship**

The Association has put in place its own internal rules (See Membership Handbook) covering sponsorship of the Association's activities. All Members of the Association should aim to be familiar with its requirements in addition to this Code of Practice.

Members should not solicit or elicit any personal gift or bequests from people with whom they have a professional relationship. Personal gifts from sponsors, contractors and suppliers of the Association should not be accepted, although items of token value such as pens, diaries etc., may be.

Members should only accept offers of hospitality in connection with the Association's activities if there is a genuine need to impart information or represent the Association. Particular consideration should be given to the timing of hospitality in relation to Association decisions.

Receipt of hospitality should be recorded and sent to the Secretary in accordance with arrangements established for this purpose.

Acceptance of hospitality through attendance at relevant conferences and courses is acceptable where the hospitality is corporate rather than personal in nature.

**9. Use of Financial Resources**

All Members must ensure that funds entrusted to them by the Association are used for the purpose allocated. They should strive to secure best value and avoid any situations where they may have a direct or indirect interest in such expenditure or where relationships with providers of services may be subject to speculation or comment.

**10. Continuing Professional Education**

Members have a responsibility to ensure they are competent to meet the needs of people turning to them for professional help. All Members of the Association are expected to take appropriate steps to ensure their continuing professional education and to hold themselves responsible for the standard of professional service or advice that they give.

**11. Seeking Advice**

Members of the Association who have reasonable grounds for believing they cannot comply with or find themselves in conflict with any aspect of this Code of Practice or the Association's Constitution should seek advice from one of the Association's Officers.

**12. Amendments to the Code of Practice**

This Code of Practice was approved at the Association's Annual General Meeting held on Thursday 23 April 1998. It may only be varied on the recommendation of the Executive Council and by a simple majority of Members at an Annual General Meeting.

# CODE OF CONDUCT

## STATEMENT OF PROCEDURE

### Introduction

This statement has been approved by the Executive Council and forms part of the Association's Code of Conduct.

The procedure sets out arrangements for action by the Association in the event of matters coming to the attention of the Honorary Secretary involving:

- Non-disclosure of information required under the code;
- Alleged or apparent failure to maintain standards or professional conduct;
- Alleged breaches of the code or misuse of Association resources;
- Suspension of a serving Director by their employer for matters of conduct; and,
- Such other actions considered to have brought or risk bringing the Association into disrepute.

### Initial Consideration

On any matters of individual personal or professional conduct coming to the attention of the Honorary Secretary he/she will, in consultation with other Officers of the Association as he sees fit, consider whether the matter requires further examination or explanation.

If a matter is considered to require further examination or explanation he/she shall consider whether the matter:

- Potentially represents misconduct on the part of the Member; or,
- Potentially represents gross misconduct on the part of the Member which, if established on the balance of probabilities, would appear to call into question their fitness for continued membership of the Association.

### Temporary Suspension

If a matter is held to represent gross misconduct the Honorary Secretary must consider whether temporary suspension of membership is appropriate to protect the position of the Association and/or the position of the Member and to permit an investigation.

If a matter involves an Officer of the Association or a Chair of a Policy Committee the Honorary Secretary must consult and secure the support of the immediate past President or President for any proposed action or suspension before proceeding further. If the President of the Association is involved the Secretary must consult and secure the advice of two past presidents of the Association still in full membership.

If the matter relates to the Honorary Secretary the President or the Immediate Past President shall carry out all tasks that would otherwise fall to the Honorary Secretary under this Statement of Procedure.

The intention to suspend from involvement in the Association's activities must be communicated and confirmed to the Member in writing [including by Email] without delay.

On being advised of their temporary suspension, the Member may not participate in any activities or meetings of the Association. Where appropriate documents and property belonging to the

Association should be surrendered to the Hon. Secretary or another member of the Executive Council appointed by him/her for this purpose.

During their suspension from active Membership, the Member may still receive information distributed to Members generally but may not attend or receive papers for Executive Council, Committee, branch or other groups set up by the Association.

### **Formal Investigation**

The Member shall be informed in writing of the intention to investigate conduct under the provisions of the Code of Practice.

The Honorary Secretary shall appoint an "Investigating Officer" who shall be a Retired or Associate Member with previous experience as a Member of the Executive Council.

The member shall be informed, in writing, of the name of the investigating officer.

The Investigating Officer so appointed shall carry out three primary functions:

- Ascertain the facts;
- Receive and consider the explanation or comments of the Member; and,
- Decide whether there is a case to answer.

If it is held there is no case to answer, the Investigating Officer shall report this conclusion to the Honorary Secretary who will confirm the outcome to the Member- The matter shall be regarded as being concluded and any suspension [if in place] lifted. The Honorary Secretary shall report the matter to the Executive Council for the purpose of record.

If there is held to be a case to answer, which can embrace non co-operation, the Honorary Secretary shall inform the Member and of the intention to consider the matter further under this procedure.

The Member may be accompanied or represented at all stages of the investigatory process.

### **Review of Conduct**

A review panel shall normally be arranged and held within 30 working days of the date the Honorary Secretary is advised of the outcome of an investigation indicating there is a case to answer failing to be considered by a Review Panel.

Where there is held to be a case to answer the Honorary Secretary shall convene a Conduct Review Panel consisting of an Officer or Policy Chair [who shall chair] and two Executive Council Members who have been Directors for three years or more

The procedure for Review Panels shall be as follows:

**Prior to Review Panel:**

- Confirmation of date, time, place and composition of panel: 10 working days before date of panel.
- Representations on Panel composition: 5 working days before date of Panel
- Disclosure of all documents to be considered: 5 working days before date of Panel.
- Disclosure of names of all persons who may be attending the panel to give information: 5 working days before date of Panel

**At the Review Panel:**

The following procedure shall be followed:

- Introductions and explanation of purpose
- Confirmation of process
- Submission by Investigating Officer
- Questions by Member and by Panel
- Submission by Member
- Questions by Investigating Officer and by Panel
- Summing up by Investigating Officer
- Summing up by the Member
- Consideration by Panel
- Decision by Panel with reasons

In forming any view as to conduct or action to be taken the Panel shall be guided by the Code of Conduct and material presented to them at the Review Panel.

All persons involved at Review Panel stage shall bear their own expenses.

The Honorary Secretary shall be responsible for arranging Review Panels, dealing with representations correspondence communications and the distribution of documentation.

**After the Panel:**

The Panel shall record its findings within 24 hours.

The decision of the Panel, which may be communicated orally at a Review Panel Meeting, shall be confirmed in writing within 5 working days. The decision letter shall be agreed by all the members of the Review Panel.

If there is no appeal, the Honorary Secretary shall report the decision to the Executive Council for information and record.

The Member may be accompanied or represented at all stages of the review process.

### **Appeal against Review Panel Decisions (No Termination)**

Where a Member disagrees with the conclusions reached, or action determined by a Review Panel, which does not involve a recommendation on termination of membership, an appeal must be made to the Honorary Secretary within 10 working days.

The appeal must set out the grounds on which the appeal is made and must be in writing.

The Honorary Secretary will review the matter in terms of process, investigation, conclusions and action. He/she shall do so within 28 days of receiving the appeal and his decision shall be final.

The decision shall be communicated to the Member in writing.

The decision shall be reported to the Executive Council for information and record.

### **Review Panel Recommendation to Terminate Membership**

Where a Review Panel considers that Membership should be terminated then:

- The Member shall be temporarily suspended from active membership if not already suspended;
- The matter shall stand referred to the Honorary Secretary who shall instigate the process for consideration of termination of membership in accordance with the provisions of Article 5 of the Constitution.

### **Review of Procedure**

This procedure may be reviewed and amended by the Executive Council on the recommendation of the Honorary Secretary with any amendments being reported to the next General Meeting of the Association.

## THE SEVEN PRINCIPLES OF PUBLIC LIFE (Nolan)

### **Selflessness**

Holders of public office should take decisions solely in terms of the public interest. They should not do so in order to gain financial or other material benefits for themselves, their families or their friends.

### **Integrity**

Holders of public office should not place themselves under any financial or other obligation to outside individuals or organisations that might influence them in the performance of their official duties.

### **Objectivity**

In carrying out public business, including making public appointments, awarding contracts, or recommending individuals for rewards and benefits, holders of public office should make choices on merit.

### **Accountability**

Holders of public office are accountable for their decisions and actions to the public and must submit themselves to whatever scrutiny is appropriate to their office.

### **Openness**

Holders of public office should be as open as possible about all the decisions and actions that they take. They should give reasons for their decisions and restrict information only when the wider public interest clearly demands.

### **Honesty**

Holders of public office have a duty to declare any private interests relating to the public duties and to take steps to resolve any conflicts arising in a way that protects the public interest.

### **Leadership**

Holders of public office should promote and support these principles by leadership and example.