

# **BOARD ELECTION REGULATIONS 2018**

## **1. Statement**

- 1.1. Phoenix is committed to placing tenants and leaseholders at the heart of the organisation through conducting open and democratic elections and supporting tenants and leaseholders to become effective members of the Board.
- 1.2. These regulations set out the approach to be followed in conducting an election of resident Board members.

## **2. Scope**

- 2.1. The regulations apply to the election of resident members to the Board.
- 2.2. An annual election will be held once per year to elect members to replace those required to retire each year from the Board. Those members required to retire will be able to stand in the election for reappointment if they are eligible, and want to stand.

## **3. Eligibility criteria**

- 3.1 No-one can stand for election if they are not eligible to do so per the rules and policies adopted by the Board.

## **4. Conduct of elections**

- 4.1. A timetable for each election will be prepared by the Deputy Company Secretary and approved by the Board.
- 4.2. The election process will be overseen by an Election Co-Ordinator who will be either the Deputy Company Secretary or a suitably experienced organisation appointed by the Board.
- 4.3. The Deputy Company Secretary will in accordance with the agreed timetable inform shareholders setting out how many vacancies are anticipated at the AGM, and to invite nominees, setting out any geographic restrictions if applicable, and stating whether the vacancies are for tenants or leaseholders. The invitation will outline the general obligations, responsibilities and eligibility criteria for Resident Board membership and invite applicants to complete a nomination form. It is likely that the invitation will be included within 'Community News'. It will also appear on the website.
- 4.4. Information packs for potential candidates will be prepared for each election giving up to date background information on the organisation, the role of Board members, the code of conduct and any eligibility criteria and/or restrictions. Information packs will comment on the diversity of the Board and state if it is under-represented by any group and will promote interest and application from members of that group.

- 4.5. Information sessions will be held in advance of an election to enable potential candidates to gain an understanding of the work of Phoenix and the commitment as a Board member. Home visits will be offered to potential candidates unable to attend a public information session. The information sessions will set out clearly the level of commitment required by Board members and the opportunities for personal development through involvement.
- 4.6. Each candidate will be expected to complete an application form confirming they wish to stand and providing sufficient personal information to enable relevant vetting to be completed and to ensure that no significant conflicts of interest exist.
- 4.7. The Deputy Company Secretary will complete the required eligibility checks for each candidate to ensure that they are complying with the terms of their tenancy or their lease; any candidates must adhere to the following to be included as a candidate:
- Rent/Service Charge up to date or keeping to agreement to pay off arrears.
  - No existing Notice of Seeking Possession against them.
  - Not be in dispute with Phoenix Community Housing, not to have an outstanding Ombudsman Complaint or taking legal action against Phoenix Community Housing.
- 4.8. Each candidate will be asked to provide a commentary of up to 300 words about themselves which will be reviewed by the Company Secretary to make sure that it is not unreasonable or inappropriate. It will be acceptable to set out previous experience relevant to the role of Board member but will not be acceptable to comment on whether any candidate is or may be less appropriate than any other and no derogatory or negative comparisons should be made. Where the Company Secretary decides the commentary is unreasonable or inappropriate, they will discuss this with the candidate and seek changes. Where the candidate refuses to change unreasonable or inappropriate commentary, they will be advised they are ineligible to stand.
- 4.9. The assessment and short listing of applications will be carried out by the Panel. The Panel shall be made up of Board members and the Governance Manager.
- 4.10. The Panel will only shortlist candidates who match the eligibility criteria and have demonstrated on their application form suitability for the role. Once shortlisted, the successful candidates will be informed in writing and invited to meet with Phoenix Gateway Committee members and an interview with the Panel.
- 4.11. The meeting with Phoenix Gateway Committee members, will be an opportunity for the Phoenix Gateway Committee members to meet candidates and provide their feedback to the Panel. The interview is required to assess if the candidate has the skills, or capacity to develop the skills, required to become a Board member. Candidates will be interviewed by the Panel described above chaired by a Phoenix Community Housing Board Member.

- 4.12. From the interviews candidates, identified as suitable by the Panel, will be put forward for election to the Board. In cases where the Panel is unable to reach a consensus, the Chair of the Panel shall have the casting or deciding vote.
- 4.13. After confirming, those eligible to stand for election, the Company Secretary will advise those who are not eligible. If any candidate is not eligible the reasons for this will be shared with the candidate but will not be made public.
- 4.14. There will be no discrimination between candidates on any grounds.
- 4.15. Phoenix will prepare an information sheet on candidates which lists each candidate together with their personal commentary. Each candidate will be asked to sign an undertaking not to do any canvassing whatsoever following the announcement of candidates standing in the Board election. This includes leaflets, posters and door to door canvassing.
- 4.16. No candidate will be allowed to make personal remarks about other individual candidates, whether spoken or written.
- 4.17. Candidates may provide a passport sized photograph of themselves either by post, or a jpg attachment to an email for publication (in colour). The photograph must have been taken in the last twelve months.
- 4.18. No Phoenix facilities should be used by any candidate for individual campaigning or publication or display of election or canvassing material.
- 4.19. Phoenix and all candidates will conduct themselves to ensure that no candidate should be the subject of any discrimination for any reason including age, gender, colour, sexual orientation or political affiliation.
- 4.20. Any suspected infringement or breaches of these regulations should be notified to the Company Secretary. Infringement or breaches of this code may lead to disqualification of candidature by the Company Secretary.
- 4.21. Candidates will not be given any personal support or endorsement from any Phoenix Group (for these regulations to include the Board, Phoenix Gateway Committee, Homeownership Group and Community Links).
- 4.22. During the period from the announcement of election candidates until the AGM Phoenix will take all reasonable steps to avoid including any candidates in organisational publicity which may be reasonably perceived to give any candidate any advantage or disadvantage over other candidates.
- 4.23. Existing members of the Board must not use their position to gain an advantage when seeking re-election.
- 4.24. If any objection/complaint is received during or after the elections, they will be directed to the Company Secretary to deal with.

- 4.25. All the relevant information will be sent to all shareholders including a ballot paper, return envelope, methods of voting and the candidate statements.
- 4.26. The Ballot Paper will only include confirmed eligible candidates in alphabetical order.
- 4.27. Shareholders will be asked to vote. Shareholders will have one vote for a Tenant Board Member.
- 4.28. Shareholders will be given at least ten working days to vote.
- 4.29. Where an election is conducted by a specialist organisation appointed for that purpose, the count will be conducted at a venue and in a manner as recommended by that organisation and agreed by the Company Secretary.
- 4.30. Where an election is conducted by Phoenix, the election count will be conducted in a suitable venue using pairs of counters, normally Phoenix employees. Candidates, existing members of the Board and other interested parties will be permitted to observe the count.
- 4.31. The Election Co-Ordinator will announce the outcome of the election. Each candidate will be provided with a copy of the certified election results.

## **5. Equalities considerations**

- 5.1 An equality impact assessment will need to be completed for the governance and representation functions.
- 5.2. Phoenix seeks a Board membership which is representative of the community served as far as is practical. Election material and advertisements will indicate where the Board is under-represented by any group of people and will positively seek candidates from those groups.
- 5.3. The process of seeking election to the Board will be made accessible for all people, for example through the provision of home visits, providing support to attend meetings, providing material in other languages and in Braille. Election material will be free from discrimination.

## **6. Review and monitoring**

- 6.1. The Board has overall responsibility for the mode and manner of Board elections.
- 6.2. This policy will be reviewed by the Company Secretary at least once every three years, and the results of the review reported to the Board.

Amended: 29.03.2018