

## Disqualification and termination of membership



***"Members of the organisation are responsible, active and committed to our kaupapa"***

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### Intent

We comply with our Constitution, legal criteria and contractual obligations relating to membership.

All board members must be aware of and exercise responsibility for ensuring that they do not meet the disqualification and termination criteria during the term of their membership.

### Responsibilities

**The board** must ensure that information about constitutional and legal requirements is given to people interested in board membership. All board members are expected to:

- exercise personal responsibility and ensure they do not meet disqualification or termination criteria
- disclose if at any time they meet the criteria for disqualification or termination of membership
- propose termination of membership when they or another board member meet the disqualification or termination criteria and do not choose to resign.

**Management** must ensure that:

- new board members are [background checked](#)
- inform people interested in board membership about this policy

- keep agencies updated about our board membership as may be required by our contracts.

## Requirements

Anyone interested in joining the board will be informed about disqualification and termination criteria in our Constitution and the law.

### **Disqualification or termination of membership**

A person may be disqualified from joining the board or if an existing board member have their membership terminated as provided in the Constitution and if:

- a declaration of bankruptcy is made against them under the Insolvency Act 2006 or the Insolvency Act 1967
- they are subject to a personal property order or a property manager has been appointed under the Protection of Personal and Property Rights Act 1988
- they do not satisfy the requirements of the [Background and child safety checking](#) policy
- they are no longer suitable to continue on the board because of circumstance or conduct, including but not limited to when the following occurs:
  - their whereabouts are unknown and they cannot be contacted
  - they are incapacitated by sickness or injury
  - the member has been precluded from serving as a director under the Companies Act 1993 because of a breach of that Act or the Securities Act 1978
  - as a lawyer, accountant or financial adviser, the member is found to have materially breached the ethical standards of their profession
  - a member breaches the [conflict of interest](#) policy and receives a consequent benefit or payment
  - they would be subject to a conflict of interest that would be unable to be properly managed as a member.

### **Resignation**

A resignation from the board will take effect as prescribed in the Constitution.

## **Checks**

Where social services funding is received, people interested in joining the board must be informed that in accord with our policy:

- criminal history check(s) must be performed
- a criminal conviction will not disqualify them from being a board member if risks can be properly managed in accordance with [Background and child safety checking](#)
- information obtained from check(s) is treated confidentially in accord with the law and our policies.

## Compliance

Social sector Accreditation Standards- Level 2, Governance and management structure and systems 5.0

Social Sector Accreditation Standards- Levels 3 & 4, Staffing 4.0

Charitable Trusts Act 1957

Children's Act 2014

Children's (Requirements for Safety Checks of Children's Workers) Regulations 2015

## Helpful links

[Membership](#)

Constitution

## Review

Date: January 2022

Next review: by December 2023