

AGENDA MANAGEMENT SHEET

Report Title:	Review of the Councils Standards Processes
Name of Committee:	Audit and Ethics Committee
Date of Meeting:	25 November 2024
Report Director:	Chief Officer - Legal and Governance
Portfolio:	Finance and Performance, Legal and Governance
Ward Relevance:	All Wards
Prior Consultation:	Constitution Working Group
Contact Officer:	Aftab Razzaq Chief Officer Legal and Governance; Ian Hunt Senior Legal Officer
Public or Private:	Public
Report Subject to Call-In:	No
Report En-Bloc:	No
Forward Plan:	No
Corporate Priorities: (C) Climate (E) Economy (HC) Health and Communities (O) Organisation	<p>This report relates to the following priority(ies):</p> <p><input type="checkbox"/> Rugby is an environmentally sustainable place, where we work together to reduce and mitigate the effects of climate change. (C)</p> <p><input type="checkbox"/> Rugby has a diverse and resilient economy that benefits and enables opportunities for all residents. (E)</p> <p><input type="checkbox"/> Residents live healthy, independent lives, with the most vulnerable protected. (HC)</p> <p><input checked="" type="checkbox"/> Rugby Borough Council is a responsible, effective and efficient organisation. (O)</p> <p>Corporate Strategy 2021-2024</p> <p><input type="checkbox"/> This report does not specifically relate to any Council priorities but</p>
Summary:	<p>The Council has a duty to maintain and promote high standards of conduct for Councillors.</p> <p>Following an external review of the Councils Code of Conduct and complaints process improvements have been suggested which would ensure that best practice is followed.</p>

Financial Implications:	There are no direct financial implications from the proposed course of action. The Council already has an adopted Code of Conduct and Complaint handling protocol; the costs of managing this are met within service budgets, the revised protocols do not add any additional process or direct costs.
Risk Management/Health and Safety Implications:	The introduction of best practice will enhance the process and mitigate the risk of challenge to the Council in its complaint handling processes. There are no direct Health and Safety implications, beyond the existing processes for meetings of committees.
Environmental Implications:	There are no environmental implications for this proposal, as it is purely administrative in its nature.
Legal Implications:	The Council has a duty under the Localism Act 2011 to promote high standards of Conduct for its own elected Members, and for the Town and Parish Councils within its administrative area. As part of this it has a duty to adopt a Code of Conduct which meets the Nolan Principles and adopt procedures for the handling of complaints.
Equality and Diversity:	An equalities impact assessment is attached (Appendix 5), however in summary there are no adverse implications which are not able to be mitigated.
Options:	The options considered and available to Members are detailed within the body of the report.
Recommendation:	It is recommended that the Audit and Standards Committee endorses the approach suggested and recommends the adoption of the revised Code of Conduct and Complaints process to Full Council.
Reasons for Recommendation:	To promote and support the adoption of high standards of member Conduct, together with ensuring an effective and clear complaints process.

Audit and Ethics Committee - 25 November 2024

Review of the Councils Standards Processes

Public Report of the Monitoring Officer

Recommendation

1. To consider the external report provided by Hoey Ainscough Associates Ltd.
2. To recommend to Council:
 - a. The adoption of the revised Code of Conduct (following the LGA Model Code) as set out in appendix 2 of this report
 - b. The adoption of the revised complaints handling process, and consequential constitutional amendments as set out in appendix 3
 - c. That the Constitution of the Council be amended to incorporate the changes set out in appendix 2 and 3 and the Monitoring Officer be authorised to make such typographical amendments as required to facilitate this.
 - d. That the Member Champion for Standards role profile be adopted and that the Council appoint a Member to fulfil this role.

1. BACKGROUND::

- 1.1. The Council adopted its latest version of the Code of Conduct in November 2021, following the publication of the Local Government Association (LGA) Model Code. Equally the Council has had long established procedures for the management of complaints under the Code of Conduct, these are set out in parts 4A and 4B of the Constitution.
- 1.2. The Council is required to adopt a Code of Conduct which is consistent with the Nolan Principles; of selflessness; integrity; objectivity; accountability; openness; honesty; and leadership under s28 of the Localism Act 2011. The same section requires the Council to have in place arrangements for which allegations can be made about breaches of the Code of Conduct, and by which these can be investigated and determinations made.
- 1.3. As a Borough Council there is a requirement that the procedures for receiving and considering complaints are able to encompass both the Borough Council's members, but also those of the Towns and Parishes within the borough area.
- 1.4. Following a periodic review of the Councils processes and reflecting on the changes in political balance within the Council a review was commissioned of the Councils Code of Conduct and complaints management processes by Hoey Ainscough Associates Ltd.
- 1.5. As part of the review they undertook a series of workshops with Members and officers. These included representatives of all the political groups across

the Council, and the Audit and Ethics Committee. In addition there was direct engagement with Parish Council representatives.

- 1.6. The review is attached at appendix 1. The review reflects on the wider principles of good governance and highlights the role of the Audit and Ethics Committee in the promotion and maintenance of good governance, and considers the potential for strengthening this. The review specifically recommends that the Code of Conduct be updated to the national Model Code as published by the LGA and that a new procedure is adopted for the management of complaints.
- 1.7. It is worth noting that at a speech on the 24th October 2024 to the LGA Conference the Rt Hon Angela Rayner MP Secretary of State for the Ministry of Housing, Communities and Local Government confirmed that the government intends to make changes to the Member standards framework. This is likely to include strengthening sanctions and potentially reforming the wider process. It should be noted that the announcement was for a forthcoming consultation process, and change will require new legislation. Accordingly whilst there is a prospect of change, it is still recommended that the council implements the proposals in this report, principally to address the current concerns. Clearly if new legislation is forthcoming then there will be a need to review and revise the process in light of those changes.

2. THE PROMOTION OF STANDARDS:

- 2.1. The review highlighted the context in which the Council sits having a new political landscape in which there has been an increase in the amount of political challenge, as well as a greater recourse to the standards regime.
- 2.2. Good member conduct is a key part of an effective Council, and promotes to the public trust and understanding of the process. When debate is focused on policy delivery and effective scrutiny as against performative attacks this raises the standard of governance and decision making.
- 2.3. The report highlights that the focus and of the Audit and Ethics Committee has not been on Member Standards, but rather its other audit functions. If the Committee is to be an effective champion of standards it is incumbent on the committee to take a more frequent and regular approach to considering Member Standards, as well as being ambassadors within the Council to promote and ensure adherence to the Code.
- 2.4. Member's attention is drawn to the commentary questioning if there should be a split in functions and the creation of a standalone Standards Committee. This reflects the recommendation of the Committee for Standards in Public Life report of 2019.
- 2.5. Whilst there are some advantages to creating a bespoke committee this has to be balanced with the existing knowledge of the framework that this committee has, as well as the additional resources implications of creating such a committee. Whilst this is a question for Members to consider there is no direct legal driver for such a move unless Members believe that this is desirable. Should Members believe that this should be pursued officers will

undertake the necessary wider considerations within the Council as well as preparing a specific report for consideration.

- 2.6. It is clear that there needs to be a greater acceptance from the Audit and Standards Committee that they need to be engaged in the Standards process to a greater extent than previously. In this regard it is proposed that a series of reports highlighting the caseload and outcomes of complaints will be brought to the committee, as well as engaging the committee more frequently in relation to Member training and development in this area. It should also be noted that the Chair and Vice Chair will be more engaged within the complaints process detailed below.
- 2.7. The proposed Member Champion for Standards (see commentary below) would potentially be a valuable resource to the committee when undertaking their general leadership functions in relation standards. It is recommended that they are routinely invited to the Audit and Standards Committee to provide additional commentary as relevant.
- 2.8. The role of the Independent Persons in the promotion of standards is a core part of their role. The Council has chosen to use a pooled approach across Warwickshire to the appointment of Independent persons. Whilst this ensures that there is a suitable group, who have relevant experience and understanding of the Code and the needs of authorities this makes them slightly more remote from the individual authorities. This therefore limits the direct engagement that they can practically have in promoting the Code of Conduct and supporting the Audit and Ethics committee in its more general work.
- 2.9. Members may wish to consider if this is an approach that they wish to continue with. Alternatives would be appointing Independent Persons directly, or a hybrid approach whereby individuals are directly appointed but with backup from the Warwickshire group. Clearly there would be additional resource implications for additional Independent Persons. If Members wish to pursue this option an additional paper can be prepared to consider the full implications.

3. CODE OF CONDUCT:

- 3.1. The currently adopted code of conduct within the constitution is a partial incorporation of the LGA code.
- 3.2. The existing code sets out the statutory requirements for Disclosable Pecuniary Interests under the Localism Act 2011, and the general behaviour elements are set out within the appendix incorporated within the procedural elements of the acceptance of office.
- 3.3. The code itself makes no reference to other non-pecuniary interests. The report highlights that this is not considered to be best practice. When this was last reviewed it was considered that there was a lack of clarity, and a concern that the proposals for other interests would not be considered clear enough. This led to these not being adopted and a voluntary approach being adopted.

- 3.4. The omission of other interests creates a conflict with the Planning Code of Practice in Part 4B of the Constitution (in that it refers to these) and it is of note that the Council has a long standing protocol of including on the agenda of all meetings the following statement:

Declarations of Interest.

To receive declarations of –

(a) non-pecuniary interests as defined by the Council's Code of Conduct for Councillors;

(b) pecuniary interests as defined by the Council's Code of Conduct for Councillors;

and

(c) notice under Section 106 Local Government Finance Act 1992 – non-payment of Community Charge or Council Tax.

Note: Councillors are reminded that they should declare the existence and nature of their interests at the commencement of the meeting (or as soon as the interest becomes apparent). If that interest is a prejudicial interest, the Councillor must withdraw from the room unless one of the exceptions applies.

Membership of Warwickshire County Council or any Parish Council is classed as a non-pecuniary interest under the Code of Conduct. A Councillor does not need to declare this interest unless the Councillor chooses to speak on a matter relating to their membership. If the Councillor does not wish to speak on the matter, the Councillor may still vote on the matter without making a declaration.

- 3.5. The Requirement to disclose Disclosable Pecuniary Interests, relates to the direct financial interests of the Councillor, their spouse or civil partner or person with whom they are living as if they were a married couple or civil partner.
- 3.6. Within the code as adopted the restricted nature of the declarations means that the interests of close family (for example children, siblings or parents) of a Councillor or those who they have close associations are not captured. Equally the interests of close friends and associates are not automatically captured, but left to the discretion of Members.
- 3.7. The expectation set by public agenda's and common practice equally does not sit with the code and Members are left making judgements without the support of clear rules. This has the capacity to create confusion, both for the public and Members and consequently unnecessary complaints.
- 3.8. Subsequently the majority of Councils have fully adopted the LGA code along with the other interests elements, and this has worked well across the Country.
- 3.9. It should be noted that under s27(3) of the Localism Act 2011 any Parish or Town Council can adopt the Borough Councils Code of Conduct and be presumed to have a statutorily compliant version. This alongside Members duty to promote good governance is indicative that the Borough ought to have a Code which is robust and effective.
- 3.10. As provided for in the report there is a clear recommendation that the Council adopts the LGA model Code of Conduct. The proposed draft of the

Code of Conduct is set out at appendix 2 of this report. The proposed draft would replace the entirety of Part 4A of the constitution.

4. COMPLAINTS PROCESS:

- 4.1. The Council has an adopted Complaints process for the handling of allegations of Standards breaches. This has been in place for a considerable period and can be regarded as a framework approach.
- 4.2. For both the District and Towns / Parish Councils during last year there were a total of 8 complaints under the Member Code of Conduct, so far this year one complaint has been received. None of the allegations last year proceeded to investigation
- 4.3. The protocol as currently adopted sets no clear expectations of timescale, and is open to substantial interpretation. It is recommended that the process is updated to reflect best practice established across the Local Government Community; although reflecting the needs of our Borough. Although the broad process remains the same as at present the addition of examples and detail to the framework supports all those using the process.
- 4.4. Throughout there has been the introduction of indicative timescales, whilst these can be extended in appropriate circumstances it sets a clear expectation for all concerned. This will also mitigate against an individual Councillor delaying the process unduly through non-cooperation.
- 4.5. When complaints are initially received there is a process of initial assessment and review. The current process delegates this process to the Monitoring Officer with the support of key consultations and the input of the member subject to the complaint.
- 4.6. The most substantive proposed change is to shift the consultation process; at present this is the Leader and Chief Executive, this does not represent good practice and may introduce the perception of political interference. It is proposed that the politically neutral Chair (or Vice-Chair) of the Audit and Ethics committee be substituted for the Leader and that there is greater engagement with the Independent Persons at this point in the process to utilise their experience. Linked to this is the incorporation of a summary list of factors for consideration; this will provide clarity and aid the understanding of decisions, particularly as they are usually delegated.
- 4.7. With respect to informal resolution; there is additional clarity proposed as to the timing points and the fact that this can be achieved at several points in the overall process. Equally there is a shift from the requirement that the Complainant is satisfied with the resolution. Whilst their view is instructive and will be a factor in the considerations, where a resolution is proposed which is entirely reasonable this could be accepted notwithstanding their desire for further process.

5. MEMBER CHAMPION FOR STANDARDS:

- 5.1. There have been proposals and requests that the Council appoint a Member Champion for Standards. This would be a Councillor who has a specific role to promote and support the standards process.
- 5.2. As is highlighted in the report the role could have benefits; particularly in raising the profile of Member Standards and assisting the committee as highlighted earlier in the report. However there would need to be care taken to ensure that the role does not conflict with the statutory requirements of the Localism Act 2011.
- 5.3. A proposed Role Profile for a Member champion which would fit with the various restrictions is attached at appendix 4.

6. CONSULTATION:

- 6.1. The proposals within the report of Hoey Ainscough Associates Ltd have been shared with the Independent Persons, and for the implications in respect of changes to the Constitution, the Constitution Working Group.
- 6.2. The Independent Persons have not provided a single response the feedback however is summarised as follows:
 - The existing approach to a panel of IPs was broadly the preferred approach, given the limited number of complaints. Comment was also made that this approach enables flexibility, in that the Independent Persons have a range of outside interests and employment obligations and therefore by having a wider pool this enables the rotation of responsibilities and wider coverage.
 - A further perceived advantage of the pool approach was that this enables greater perception of independence as an individual does not become so familiar with a particular council or its members thus enabling clear independence. This was recognised as limiting the ability to become familiar with local context and repetition although this can be managed through officer support.
 - The proposed code of conduct is supported.
 - The proposed complaints process is supported.
 - There was some support for the idea of a specific Standards Committee; but this was linked to the principle it would be better to have a committee over a single Member Champion to ensure that the burden of promoting standards was not just on a single Member.
 - The role of the committee in analysing trends and looking to thematically promote standards was also emphasised.
 - A concern was raised over the lack of effective sanctions – although recognising the statutory imitations.
 - A comment was made that there should be more emphasis on training and developing Members to support the Code of Conduct.
- 6.3. The Constitution Working Group considered the proposals at its meeting on the 5th November. The working group was supportive of the proposals and their impact on the constitution.

6.4. The proposals have been shared with all the political groups within the Council, recognising that this will come before Council if recommended by the Audit and Ethics Committee. The Portfolio Holder for Finance, Performance, Legal and Governance has advised that they are supportive of the proposals being brought to Full Council for consideration at the December meeting.

7. RECOMMENDATIONS:

7.1. The committee is invited to consider the report and to consider the best response to the issues raised.

7.2. There are two clear recommendations where clear action is identified. In both respects proposals for the updating of the constitution are set out in appendix 2, 3 and 4. It is proposed that these are recommended to Council in order that the constitution can be updated and the role profile adopted.

Name of Meeting: Audit and Ethics Committee

Date of Meeting: 25 November 2024

Subject Matter: Review of the Councils Standards Processes

Originating Department: Legal and Governance

DO ANY BACKGROUND PAPERS APPLY ☒ **YES** ☐ **NO**

LIST OF BACKGROUND PAPERS

Doc No	Title of Document and Hyperlink
1	Council Constitution
2	LGA Model Code of Conduct

The background papers relating to reports on planning applications and which are open to public inspection under Section 100D of the Local Government Act 1972, consist of the planning applications, referred to in the reports, and all written responses to consultations made by the Local Planning Authority, in connection with those applications.

☐ Exempt information is contained in the following documents:

Doc No	Relevant Paragraph of Schedule 12A

Hoey Ainscough Associates Ltd

Supporting Local Governance

RUGBY BOROUGH COUNCIL STANDARDS REVIEW INTRODUCTION

1. We were asked by Rugby Borough Council to review its process for handling Code of Conduct complaints to ensure it complied with best practice and also to give views on wider issues related to the standards framework.
2. The review was based partly on discussions with officers and members of the Council but was also, however, based on our experience of having supported some 400 authorities on standards-related issues and benchmarking the Rugby process against existing good practice, in particular the Local Government Association guidance on code of conduct complaints handling we were commissioned to produce in 2021.
3. We did not review historic past cases nor were we asked to make judgments on whether any past decisions should in our view have been taken differently. Instead we focussed on a more general view as to how the system worked as well as focussing on wider cultural and relationship issues within the Council.
4. In reviewing the arrangements, we believe the aims of any standards process should be:
 - a) To enhance the reputation of the council through demonstrating that there is a culture of high standards and that any lapse from high standards in individual cases will be dealt with fairly, effectively and efficiently;
 - b) To ensure that the process is transparent and accountable, so that the public can see that misconduct has been dealt with, and members are able to demonstrate, where appropriate, that their name has been fairly cleared;
 - c) To demonstrate that the process has independent rigour and is free from party political interference; and
 - d) That it complies with any legal requirements and ensures that members have the right to a fair hearing.

OVERALL CONCLUSION

5. The Localism Act 2011 does not specify how cases are to be handled – it simply says councils must make arrangements for handling complaints (with the principal authority handling parish council complaints) but does not specify how to discharge that duty. In addition, the Localism Act places a duty upon

councils to 'promote and maintain high standards'. Our review therefore looked both at the detailed process but more widely at how the Council was discharging its duty with regard to standards. Our key recommendations, dealt with in more detail below, are as follows:

- The complaints handling process broadly reflects good practice but some changes can be made to set out in greater detail how it works, including formal timescales, who is consulted at what stage of the process and clearer criteria for making a decision.
 - The Audit and Ethics Committee has not been very focused on the 'standards' part of its remit. It either needs to be more proactive in ensuring that the Council promotes and maintains high standards or else the Council should consider whether a stand-alone standards committee would be more appropriate. In either case the committee needs a better understanding of the types of complaints being made, their outcomes and to consider what lessons can be learned and how the underlying issues can best be addressed.
 - There was a widespread feeling amongst all groups that there was a culture of disrespect within the Council between members that needs to be addressed and on the other hand more needs to be done to stop councillor v councillor complaints which are perceived as frivolous and wasting officer time.
 - Councillors both individually and collectively (and in particular the Audit and Ethics Committee) need to lead on promoting high standards and not see standards as something for officers to address.
 - The Independent Persons need to be more visible and support the Council in its role of promoting high standards rather than simply being reactive to individual complaints.
 - The role of Member Standards Champion needs to be more clearly defined.
 - Group leaders need to be seen as champions of high standards and work with the Chief Executive (CEO) to challenge poor behaviour within their groups and in meetings.
- The Code of Conduct needs to be reviewed, particularly with regard to registration and declaration of interests, to bring it in line with best practice and the LGA Model Code

6. These areas are addressed in detail below:

Complaints handling process

Key issues

7. There are three key stages to the complaints handling process. These are:
- a) upon receipt of a complaint, deciding whether or not any further action is appropriate;
 - b) where further action is appropriate, carrying out an investigation or some other action; and
 - c) where an investigation has been carried out, reaching a finding and taking any appropriate action.

8. We will deal with each of those three stages in turn, followed by comments on more general themes. A suggested updated process is attached at **Appendix A**.

Initial assessment of a complaint

9. Under Rugby's current process, when a complaint about member misconduct is received, the decision is delegated to the Monitoring Officer (MO) to decide what action to take. This is common to nearly all authorities. Under the existing Rugby process the MO is asked to consult with the CEO and relevant Group Leader before reaching a conclusion. This is not a common practice and in our view risks sending a message to public complainants in particular that there will be some 'political interference' in that initial decision. While there may be times when the MO wants to talk informally with, say the Group Leader, particularly where group action may already have been taken, we do not think this should be a formal part of the process. There is also a link here to the Member Champion role which is addressed below.
10. We believe it is better practice for the MO to seek the views of the Independent Person and chair of the Audit and Ethics Committee before making a decision (although it remains the MO delegated decision). That is set out at paragraph 9 of the process.
11. We have made a number of more detailed recommendations in this section. Firstly we have introduced timelines within which each step of the process should be completed (see for example paragraph 4). We have made it clear that the MO will only consult the Independent Person and Audit and Ethics Committee chair where a complaint is actually 'within scope' of the Code (see paragraph 5).
12. We have also made it explicit that the MO may use their discretion either to refer the decision up to the Audit and Ethics Committee or delegate it to the Deputy Monitoring Officer (DMO) in certain prescribed circumstances (see paragraphs 6 and 7).
13. We have also set out a requirement for the MO to seek the views of the councillor who is the subject of the complaint (subject member) before making any decision as to whether any further action is needed (see paragraph 10). However, we have set time limits on that so that the subject member cannot prevaricate and make clear that if the subject member does not comment within the deadline, a decision will nevertheless be made. We do believe, however, that seeking the views of the subject member can be helpful and proportionate as it may clear up misunderstandings, or the subject member may proffer an early apology or correct the register of interests, for example, all of which may resolve the matter without too much time and expense.

14. Paragraph 11 says that the MO may reach one of three conclusions – that the matter should be further investigated, that the matter does not need any further action taken, or some form of informal resolution short of an investigation be attempted. In reaching a decision on how the allegation should be dealt with we have set out a list of (non-exhaustive) factors the MO should consider at paragraph 12. The previous process also listed some factors but they were very definitive in that they were written in such way that they relied too much on subjective judgment and did not properly balance all the conflicting issues. We think our list is more transparent and will better aid public understanding of decisions.

Informal resolution

15. Although the existing process did make references throughout to informal resolution, it was not a standalone part of the process. We have now inserted one which we believe makes the possible remedies clearer and also the mechanism that can be used to decide if further action is needed if either the subject member or complainant refuses to engage in the process or the action taken is insufficient (paragraph 17). We have also moved away from the statement in the existing process that informal resolution would only be deemed as having worked if the complainant was satisfied. While the complainant's views are obviously important, it is our experience that on occasions, subject members can make a very full apology, for example, but the complainant still insists that the matter be brought before a hearing because they wrongly believe there may be some power to have the subject member 'sacked.' Again there is some crossover between informal resolution and the role of the Member Champion addressed below.

Investigation

16. Where the MO (or other decision-maker) concludes that a formal investigation is needed, the Rugby process, in line with usual practice elsewhere, allows the MO to conduct the investigation himself or else delegate it to another officer or to an outside appointment.
17. We have inserted into the process timescales for completing any investigation with a mechanism for seeking an extension of time if needed (paragraph 20).
18. A three-month investigation is based on our experience in doing investigations and means broadly that the investigator has a month to six weeks to gather relevant facts and evidence, up to the end of the second month to produce a draft report and a final month to take on board any comments and finish the report. One of the key factors in causing delay has often been difficulty in arranging interviews with key individuals, and it has been our experience in many places that there can sometimes be deliberate attempts to avoid being interviewed. While reasonable attempts should be made to interview key people, if these reasonable attempts are rebuffed – through refusal to agree

dates, respond to emails etc. – this should be reflected in the report and drawn, where appropriate, to the hearing sub-committee’s attention. In line with good practice, there should be a clear emphasis in Rugby that investigations should be taken seriously and that timeliness is the key factor.

19. We have also made it clear that the subject member has the statutory right to seek the views of the Independent Person, as this was not stated in the existing process. We have also built in some mechanisms to allow the case to be stopped partway through if necessary so that there are clear powers at each stage of the process (see paragraphs 22 and 25).
20. We have also set out explicitly the conclusions an MO may reach at the end of the investigation (paragraph 26) and also how decisions should be communicated.

Hearing

21. Where cases are referred to a hearing, we have again set out specific timelines (paragraph 29) and that the matter would be referred to a hearing sub-committee, which is a sub-committee of the Council’s Audit and Ethics Committee. This is in line with usual practice elsewhere.
22. We have again set out greater detail about how the hearing would work. In particular we have stressed (at paragraph 31) that the hearing should be held in public unless there is an overwhelming requirement for certain parts of it to be in private (for example, where information might relate to a minor or vulnerable adult or confidential council papers). This would mean that all interested parties, including the complainant, would be able to reassure themselves that the process was fair and justice was seen to be done.
23. We have again made clear the findings the sub-committee could make together with a list of available sanctions, where responsibility lies for implementing those sanctions and what should happen should there be non-compliance. We have also stressed the importance of publicising the outcome.
24. **We recommend that the Council adopt the complaints handling process at Appendix A**

The Audit and Ethics Committee

25. Under the Localism Act, councils are placed under a duty ‘to promote and maintain high standards of conduct’. There is no longer a legal requirement as there was in the past to have a stand-alone standards committee. However, in practice all councils have given responsibility for standards issues either to a dedicated committee as previously, or else as part of the remit of another committee, such as combined with its audit committee as Rugby has done.

26. In 2019 the Committee on Standards in Public Life recommended that it should be mandatory to have a standalone standards committee as its experience was that the importance of standards could often get lost given the complexity and importance of the audit function. We are currently also writing some guidance for the LGA on how to make a standards committee more effective.
27. There was a general view among the people that we talked to that the Council did not favour a standalone committee as it was seen as creating further bureaucracy. We make no particular recommendation on this but do observe that members of the Audit and Ethics Committee themselves felt there was little if any focus on standards in their day to day and they simply saw their role as 'reactive' - that is only addressing standards if a case is referred to them for a hearing.
28. One clear advantage of having a dedicated standards committee is that it means there is a specific focus on the duty to promote and maintain high standards of conduct. It sends a signal to the council as a whole and to the wider community that high standards of conduct are important to the council. There is a danger that if the standards function is combined with an audit committee as at Rugby the demands of the audit function means that standards issues do not receive the attention they deserve. The LGA guidance on the role of an Audit Committee says *'the audit committee is most effective when it is unencumbered by other tasks, such as scrutiny, 'general purposes' or standards. This gives the audit committee a role which does not involve it in policy-setting or decision-making and it therefore has a free hand to advise.'*
29. On the other hand, having standards as simply one part of a combined committee, such as an audit and governance committee, may mean its members get a wider view across all governance issues, and standards considerations are built in more firmly into the governance and risk management of the council.
30. If the Council does decide to have a dedicated standards committee, it does need to think about the purpose of any standalone committee and ensure it would need to ensure clear terms of reference and a work programme focussed on promoting and maintaining high standards and is not just seen as a body only to be convened in reaction to complaints, as the Audit and Ethics Committee presently does when dealing with its standards role.
31. If the Council decides to remain with the current structure, the same considerations would apply and specific committee time should be allocated to standards issues. There are also different skill sets needed, so any combined committee would need to ensure it has the right skills among its members to deal with all aspects of the remit. Best practice is that an audit

committee should have an independent chair, which Rugby has followed. Prior to the Localism Act, standards committees also used to have an independent chair. The Council may wish to consider co-opting a further independent member onto its standards committee with relevant skills, such as in complaints handling or an investigative background, so that there can be a greater emphasis on standards built into the committee. Any such role would be different from the statutory role of Independent Person, however (see below).

32. More generally, there was widespread recognition among members that the tone of debate within the Council and in emails could be unhealthy and lacked respect at times, particularly towards officers though also between members. Members collectively agreed that they wanted to dissuade other members from making what were seen as 'frivolous' complaints. However, at the same time there was a feeling that, where people did overstep the mark, that behaviour needed to be challenged and where appropriate dealt with through sanctions.
33. We were surprised at how many members saw it as an 'officer responsibility' to deal with standards issues. While much of the formal role for complaints handling is indeed delegated to officers, in our view it is members who are predominantly responsible for setting the tone and culture, and for challenging poor behaviour when they see it. This should be both a role for the groups (see below) but in particular for the relevant committee.
34. As stated above the committee is too reactive rather than proactive when it comes to standards. This seemed surprising in a Council which recognises that it has 'standards issues'.
35. While many of the so-called frivolous cases are rightfully being filtered out by officers rather than absorbing committee time, we do think that the committee needs to take better ownership of the process. This would include receiving regular 'anonymised' reports on the outcomes of complaints (including those where no further action has been taken). The purpose would not be to make judgments in individual cases which is rightly delegated to the MO, but rather to have a number of broader purposes. Firstly, as a broad sweep to satisfy itself that the MO is drawing the line in the right place – are matters when looked at in the round being disposed of properly? Secondly, to see whether resolutions being tried are having the right affect – that is addressing misconduct in a proportionate manner and helping to raise standards; and thirdly do the complaints highlight wider issues that need to be addressed by the Council? For example if there are a lot of complaints alleging disrespect, it may be appropriate in each individual case not to investigate further or to simply seek an apology, for example, but should the council actually be trying to stop the disrespectful behaviour in the first place? Or if there are a number

of cases around alleged failure to declare interests, does that highlight a wider training issue for members?

- 36. We therefore recommend that the Council consider the role of the Audit and Ethics Committee, or whether a dedicated Standards Committee is needed, and discuss and agree in either case how it can better champion the Council's duty to promote and maintain high standards and devise a work programme to help it deliver that objective.**

Role of the Group

37. As stated above we heard from across the board that people were frustrated both at some of the disrespectful behaviour being demonstrated but also at the use of the system to generate what were seen as frivolous complaints. We believe that if standards are to be raised and the system not to be abused then the political leadership needs to work hand in hand with senior management to improve matters. Some group leaders said that they felt they did not have sufficient information given to them about complaints in order to address them, whether that was to deal with disrespect from their own group members or else to discourage frivolous complaints.

- 38. We therefore recommend that group leaders meet regularly with the Chief Executive, Monitoring Officer and chair of the Audit and Ethics Committee to discuss how the Council can be more effective in promoting and maintaining high standards and eliminating disrespectful behaviour.**

Role of the Member Champion

39. The Council has agreed to appoint a councillor as Member Champion for standards. While there was some broad agreement as to what the role was about, there was also some confusion as to whether it was there to help simply with member-officer relations, or also with member-member relations, or more generally to promote high standards. There was also no clarity as to how the role fitted into the formal complaints procedure. We want to suggest how we see the role working.

40. Under the Localism Act there is an explicit statement that complaints about breaches of the Code of Conduct may only be dealt with in line with a council's procedures under the Localism Act. This was reinforced in a court case involving Ledbury Town Council where it was ruled that Ledbury's handling of a complaint internally rather than through its principal authority (Herefordshire) was unlawful as it had not followed the Localism Act route. The Member Champion cannot therefore be seen as an alternative route for resolving formal complaints outside of the Council's adopted complaints-handling process.

41. However, to be a complaint under the Localism Act, a complaint must be made in writing. Thus, someone informally expressing concerns to the

Monitoring Officer or Member Champion, say, is not a Localism Act complaint and can be dealt with without engaging the full bureaucracy of a process.

42. We therefore see the Member Champion as a potential first port of call for officers and members who want to express some concerns but without making a formal complaint at that stage. The Member Champion could then try to resolve the issue informally through, for example, having a quiet word with the member or their group leader and it may be that the Member Champion can be asked to protect confidentiality if an officer or member does not want to reveal their identity to the person complained about. If the Member Champion is approached, we suggest they notify the Monitoring Officer in case there is an existing complaint and to avoid duplication of effort. It should also be made clear to the officer or member that they have the right to make a formal complaint in writing and the role of the Member Champion does not override more formal channels. The Member Champion may also decide that a matter that they have been notified about is on the face of it so serious, or is part of a pattern of behaviour that to try to resolve it informally would be underplaying the seriousness. In that case, if the member or officer themselves felt they could not make a written complaint because they felt at risk, then the Member Champion should discuss with the MO and CEO whether a formal complaint should be made on behalf of the Council as a whole.
43. The Member Champion would have no role in complaints from the public about member behaviour as it is essentially an internal role and should not be seen as a 'political' screen from public complaints. Nor should they have a role in parish council matters and it is not a route for members to complain about alleged officer misconduct which is essentially a management issue. If the Council are happy with this suggestion, we think therefore that, as well as the formal complaints process, officers and members should be told that they can approach the Member Champion as an option in the first instance if they wish to raise concerns. We can prepare a role description on that basis.
44. We also believe the Member Champion should have a wider role in promoting and maintaining high standards so may, for example, once a year produce a report for the Audit and Ethics Committee and be invited to attend any meetings between senior staff and group leaders to discuss standards issues.

Independent Persons

45. The final part of the standards architecture is the Independent Person (IP) which authorities are required to have to support them on standards issues under the Localism Act. There seemed to be a lack of knowledge among members of what their role is and indeed a lack of knowledge about who the individuals even were. There seems to be a pool of IPs across Warwickshire from which Rugby draws upon as and when needed. We were satisfied that the IPs used by Rugby had an effective role in considering individual cases and that their views were taken on board. However we felt there was a

disconnect between them and the Audit and Ethics Committee in particular, and that the IPs, while dealing with individual cases, were not supporting the Council more broadly in promoting and maintaining high standards.

- 46. We therefore recommend that the IPs work more closely with the Audit and Ethics Committee on the wider roles identified above in promoting and maintaining high standards and that the IPs be invited to present an annual report to the Full Council on their views of the standards of behaviour within the Council and any lessons they feel can be learned.**

Code of Conduct

47. The Council partly adopted the LGA Model Councillor Code of Conduct in 2022. However, it did make some modifications. This was based upon the discussions within Warwickshire in relation to the disclosure of non-pecuniary interests and the perceived lack of clarity within such declarations, although the LGA guidance accompanying the Code sought to help with defining what was covered. The Council is of course entitled to do this as the Model Code is not mandatory. However, we believe that by not adopting fully the provisions around registration and declarations of interest there is not the required transparency and the potential gaps as cited below are not being addressed. As far as we can see the Rugby Code formally only includes so-called 'Disclosable Pecuniary Interests'. These are mandatory under the Localism Act and relate to a very narrow range of financial interests of the councillor and their partner.
48. The MO told us that the Council also has so-called 'non-pecuniary interests' but as the Model Code has not been adopted in full these are 'voluntary' rather than mandatory, although our research showed that some of the other Warwickshire districts had included other interests in their Code. The Committee on Standards in Public Life (CSPL) was heavily critical in their 2019 Report on the Localism Act arrangements of Councils who had a 'DPI only' Code. It was these significant gaps in the Localism Act that the LGA Model Code was largely commissioned to address.
49. While the Rugby Code requires members to declare things that directly relate to the interests of themselves and their partner therefore, there is no mandatory requirement to declare the interests of say, a member's children or siblings or business partners, nor where something significantly affects a member (such as involving a neighbour's property). While we have no doubt that members routinely do declare these interests these are at present voluntary rather than mandatory.

50. Similarly the Rugby register only covers DPLs – that is broadly paid employment and land. Again CSPL felt it was important also to register voluntary positions that members hold to aid transparency. They could not understand for example why members would be required to register paid directorships but not have to disclose any unpaid directorships or boards they sat on when they are just as likely to be involved with the Council. There were one or two other minor tweaks to wording made which could have unforeseen implications which we will discuss separately with the MO.

51. We therefore recommend that the Council adopts the LGA Model Code in full.

PAUL HOEY NATALIE AINSCOUGH
Co-Directors
Hoey Ainscough Associates Ltd
21 October 2024

RUGBY BOROUGH COUNCIL STANDARDS HANDLING PROCEDURE

Background

Under Section 28 of the Localism Act 2011, Rugby Borough Council must have in place “arrangements” under which allegations that an elected or co-opted councillor of the Council or of a town or parish council within the Council’s area (referred to in these arrangements as the ‘subject member’) has failed to comply with the Council’s Code of Conduct can be considered and decisions made on such allegations.

These arrangements provide for the Council to appoint at least one Independent Person whose views must be sought by the Council before it takes a decision on an allegation that it has decided to investigate, and whose views can be sought by the Council at any other stage, or by the subject member against whom an allegation has been made.

The Council has adopted a Code of Conduct for councillors (the Code), which is published on the Council’s website and is available for inspection on request from the Council’s office.

Each town and parish council is also required to adopt a Code of Conduct which should be available on their website.

Initial assessment

1. All allegations, including those against a town or parish councillor, must be made in writing, ideally by completing the complaints form available on the Council’s website, to the monitoring officer of Rugby Borough Council (MO). This is to ensure that all of the relevant information is provided.
2. Anonymous complaints will not be accepted unless the MO concludes that there is a compelling public interest why a serious allegation made anonymously may be taken forward.
3. This complaints procedure acknowledges the role of the Council Member Champion. Any complaints received by the Member Champion which are referred to the MO for formal consideration shall require the MO to provide regular reasonable updates and the MO shall also be required to give due consideration to any input and recommendations provided by the Member Champion throughout the complaint procedure.
4. Within 3 working days of receipt of the complaint the MO will acknowledge the complaint.
5. The MO will apply an initial filter to an allegation – for example, to check that the complaint is against a councillor, that they were in office at the time of the alleged incident and that the matter could be capable of being a breach of the Code. The Council has no authority to deal with complaints which relate solely to a councillor’s private life or things they do which are not related to their role

as a councillor or as a representative of the Council. The MO will keep a record of all complaints made including those which do not pass the initial filter.

6. If a complaint passes the initial filter, the MO will notify the subject member of the complaint within 5 working days unless there are compelling reasons not to, provide them with a copy of the complaint (or relevant extracts) and a summary of the process to be followed, and invite them to submit any relevant comments. The subject member will be given ten working days to respond from the date of the notification. In parish council cases the MO may also notify the clerk and may ask for relevant factual information. However, the MO, in consultation with an IP, may withhold the complainant's identity if they can be satisfied that there are reasonable grounds for granting confidentiality, for example a belief that the complainant or any witness to the complaint may be at risk of physical harm or intimidation, or that their employment may be jeopardised if their identity is disclosed.
7. In certain circumstances the MO may refer the matter to the Audit and Ethics Committee to take the decision in their place. Circumstances where this could be done include (but are not limited to) where the MO has a conflict of interest – for example as the complainant, a key witness or where the MO has already advised on matters which are the subject of the complaint; or where the subject member or complainant is a Group Leader or Member of the Executive or shadow Member of the Executive. Where this is done, references to the MO in this section should be substituted by the Audit and Ethics Committee. Where the Audit and Ethics Committee is asked to make an initial assessment of a case the meeting may be held in confidential session subject to legislative requirements bearing in mind that no investigation has taken place so no finding of fact is being made.
8. The MO may also delegate the decision to the deputy monitoring officer (DMO) where there is a conflict of interest as outlined above.
9. Complaints which identify potential criminal conduct or a breach of other regulations by any person will be referred by the MO to Warwickshire Police for consideration, or any other relevant regulatory agency. In such cases the MO may pause the consideration of the complaint pending action by the other body.
10. If the MO decides the matter has passed the initial filter as set out in paragraph 5, they will invite an Independent Person (IP) to give their views on what action should be taken at this stage. Where a matter has not been referred to the Audit and Ethics Committee, the MO will also consult with the chair or vice chair of the Audit and Ethics Committee.
11. At the end of the ten working days from notifying the subject member (regardless of whether any comments have been received from the subject member) the MO will decide one of the following outcomes:
 - a. to take no further action;
 - b. to seek to resolve the matter informally; or
 - c. to refer the matter for investigation.

12. In deciding what action is necessary the MO will consider the following non-exclusive factors:

- a. does the complaint contain sufficient evidence to show a potential breach of the Code?;
- b. are there alternative, more appropriate, remedies that should be explored first?;
- c. where the complaint is by one councillor against another, a greater allowance for robust political debate (but not personal abuse or “unparliamentary” language) may be given;
- d. is the complaint in the view of the MO malicious, politically motivated, or ‘tit for tat’?;
- e. whether an investigation would not be in the public interest or the matter, even if proven, would not warrant any sanction;
- f. whether the complaint is the same as one which has previously been considered and no new material evidence has been submitted;
- g. whether the same complaint has been submitted and accepted;
- h. does the complaint relate to conduct in the distant past (over six months before)? This would include any reason why there had been a delay in making the complaint;
- i. does the complaint actually relate to dissatisfaction with a Council (or parish council) decision rather than the specific conduct of an individual?; and
- j. is it about someone who is no longer a councillor or who is seriously ill?

13. All parties (and the clerk for parish cases) will be notified of the MO’s decision and there is no internal right of appeal against that decision.

14. A decision notice will be produced as a matter of record but will not be published at this stage though the Council may issue a public statement if details of the complaint are already in the public domain.

Informal resolution

15. Where the MO has decided to seek to resolve the matter informally, they may do one or more of the following:

- a. ask the subject member to apologise;
- b. convene a meeting between the subject member and the complainant or other relevant person in order to try to resolve the issue informally;
- c. notify the subject member’s group leader (where they are a member of a political group) and suggest that they may wish to take some internal group action;
- d. suggest that the subject member undergo relevant training;
- e. other such action that the MO deems appropriate.

16. The MO will decide on a timeframe within which the informal resolution must be completed to an acceptable standard.

17. If either the subject member or complainant refuses to engage with the informal resolution proposed by the MO, or the MO deems the action taken by

the subject member insufficient or the informal resolution does not take place in a timely way the MO will decide, in consultation with an IP, whether the case should be closed, whether an investigation is necessary or whether some other action should be taken. If the MO and the IP are not in agreement about how to proceed the case it will be referred to the chair or vice chair of the Audit and Ethics Committee for a decision.

18. The MO will notify the subject member, complainant (and clerk in parish cases) of the outcome of the informal resolution.

Investigation

19. Where a matter is referred for investigation, the MO may carry out the investigation themselves, delegate it to another officer or contract it out to an outside body.
20. The investigation must normally be completed within 3 months of the decision to refer the complaint for investigation. If an extension of time is needed the MO will notify the subject member, complainant (and clerk in parish cases) of any extension with reasons.
21. The subject member will be notified that they may seek the views of an IP at any stage during the investigation.
22. At any time while the investigation is underway the MO, the subject member or the complainant may ask for an informal resolution. The MO will consult with an IP whether to agree with the request.
23. Before concluding the investigation, a draft report will be produced and the MO (where they have not written the report), IP, complainant and subject member will be invited to comment. Witnesses may also be asked to comment as appropriate on parts of the draft report relevant to them.
24. Where the investigation has not been personally conducted by the MO, the final decision as to the findings of the report will nevertheless be made by the MO based upon the views of the investigator unless there is a conflict of interest, in which case the decision will be taken by the DMO.
25. There may be exceptional circumstances when the MO decides that a case should be closed before a draft or final report has been produced due to a significant change in circumstances. This may include, for example that the subject member is seriously ill or is no longer a councillor or other action has led to the matter being resolved. In such cases the MO should consult the IP before deciding that the file be closed. A record of the complaint will be kept on file in the event that the subject member returns to office in the future and a subsequent complaint is lodged against them.
26. At the end of the investigation the MO may decide:
 - a. that there has been no breach of the Code;
 - b. to seek to resolve the matter informally;

- c. that there has been a breach but the matter is so minor that no further action is required; or
 - d. to refer the matter to the SC for determination.
27. In cases where the MO has concluded that there has been no breach of the Code all parties (and the clerk in parish cases) will be notified of the MO's decision and there is no right of internal appeal against that decision. The MO will report the finding to the chair or vice chair of the Audit and Ethics Committee.
28. Where the MO decides to seek to resolve the matter informally, they shall seek the views of the IP and complainant before concluding whether such an outcome is appropriate. The possible resolutions are those outlined above at paragraph 13. If the subject member or complainant refuses to engage with the informal resolution directed by the MO, the MO deems the action taken by the subject member insufficient or the informal resolution does not take place in a timely way the MO will decide, in consultation with the IP and chair or vice chair of the Audit and Ethics Committee, whether the case should be closed or whether a hearing is necessary. The MO will notify the complainant (and clerk in parish cases) of the outcome of the informal resolution and any further steps.
29. Where the matter is referred for determination, the hearing panel will normally convene within 2 months. The MO will notify the subject member and complainant of the date of the hearing and provide them with a written outline of the hearing procedure. If the hearing cannot be held within two months, for example because of the unavailability of a key witness, the MO will consult with the IP and chair of the Audit and Ethics Committee to agree a revised deadline.

Hearings panel

30. A matter referred for determination by the MO will be heard by a sub-committee of the Audit and Ethics committee.
31. At the start of the hearing the MO will ask the hearing panel to consider whether the matter should be heard in public or in private, subject to the normal rules on exempt and confidential information and bearing in mind the public interest. The presumption would be that the meeting is heard in public unless there are specific legal restrictions but the hearing panel will always, however, retire in private to consider its findings and possible action. Those findings would be delivered in public.
32. The views of the IP will be sought by the hearing panel and made public before it reaches its decision.
33. The hearing panel may decide:
- a. that there has been no breach of the Code;
 - b. that there has been a breach but to take no further action; or
 - c. that there has been a breach and a relevant sanction should be imposed or recommended.

34. If the hearing panel decides that a relevant sanction should be imposed or recommended it may impose or recommend any one or more of the following:
- a. report its findings in respect of the subject member's conduct to Council (or the relevant parish council);
 - b. issue (or recommend to the parish council to issue) a formal censure;
 - c. recommend to the subject member's group leader (or in the case of ungrouped councillors, recommend to Council) that they be removed from any or all committees or sub-committees of the Council (or recommend such action to the parish council);
 - d. recommend that the subject member be removed from positions of responsibility.
 - e. instruct the MO to (or recommend that the parish council) arrange training for the subject member;
 - f. recommend to Council (or recommend to the parish council) that the subject member be removed from any or all outside appointments to which they have been appointed or nominated by the Council (or by the parish council);
 - g. recommend to Council (or recommend to the parish council) that it withdraws facilities provided to the subject member by the Council for a specified period, such as a computer, website and/or email and internet access; or
 - h. recommend to Council (or recommend that the parish council) that it excludes the subject member from the Council's offices or other premises for a specified period, with the exception of meeting rooms as necessary for attending Council, committee and sub-committee meetings and/or restricts contact with officers to named officers only;
 - i. if relevant recommend to the secretary or appropriate official of the group that the councillor be removed in respect of any position of responsibility.
35. All parties (and the clerk in parish cases) will be notified of the hearing panel's decision and there is no right of internal appeal against that decision.
36. A decision notice will be published on the Council website within 5 working days of the hearing panel's decision.
37. Where a member fails to comply with a sanction this may be considered as a further breach of the Code of Conduct and the Council reserves the right to publicise any non-compliance.

Replacement Part 4A

Code of Conduct for Councillors

Introduction:

1. Purpose of the Code of Conduct:
 - 1.1. The purpose of this Code of Conduct is to assist you, as a councillor, in modelling the behaviour that is expected of you, to provide a personal check and balance, and to set out the type of conduct that could lead to action being taken against you. It is also to protect you, the public, fellow councillors, local authority officers and the reputation of local government. It sets out general principles of conduct expected of all councillors and your specific obligations in relation to standards of conduct. The fundamental aim of the Code is to create and maintain public confidence in the role of councillor and local government.
 - 1.2. The council has adopted this code of conduct as required by section 27 of the Localism Act 2011. The council has a statutory duty to promote and maintain high standards of conduct by councillors and co-opted members, and the code sets out the standards that the council expects you to observe.
 - 1.3. For the purposes of section 27(3) of the Localism Act 2011 any Parish Council within the Council area can adopt this Code of Conduct to comply with its duty under section 27 of the Act.
2. Definitions
 - 2.1. For the purposes of this Code of Conduct, a “councillor” means a member or co-opted member of the Council. A “co-opted member” is defined in the Localism Act 2011 Section 27(4) as “a person who is not a member of the authority but who:
 - a) is a member of any committee or sub-committee of the authority, or;
 - b) is a member of, and represents the authority on, any joint committee or joint sub-committee of the authority;and who is entitled to vote on any question that falls to be decided at any meeting of that committee or sub-committee”.
 - 2.2. For the purposes of this Code of Conduct, “local authority” includes county councils, district councils, London borough councils, parish councils, town councils, fire and rescue authorities, police authorities, joint authorities, economic prosperity boards, combined authorities and National Park authorities.
3. General principles of councillor conduct

- 3.1. Everyone in public office at all levels; all who serve the public or deliver public services, including ministers, civil servants, councillors and local authority officers; should uphold the [Seven Principles of Public Life](#), also known as the Nolan Principles.
- 3.2. Building on these principles, the following general principles have been developed specifically for the role of councillor.
 - In accordance with the public trust placed in me, on all occasions:
 - I act with integrity and honesty
 - I act lawfully
 - I treat all persons fairly and with respect; and
 - I lead by example and act in a way that secures public confidence in the role of councillor.
 - In undertaking my role:
 - I impartially exercise my responsibilities in the interests of the local community
 - I do not improperly seek to confer an advantage, or disadvantage, on any person
 - I avoid conflicts of interest
 - I exercise reasonable care and diligence; and
 - I ensure that public resources are used prudently in accordance with my local authority's requirements and in the public interest.
4. Application of the Code of Conduct
 - 4.1. This Code of Conduct applies to you as soon as you sign your declaration of acceptance of the office of councillor or attend your first meeting as a co-opted member and continues to apply to you until you cease to be a councillor.
 - 4.2. This Code of Conduct applies to you when you are acting in your capacity as a councillor which may include when:
 - you misuse your position as a councillor
 - Your actions would give the impression to a reasonable member of the public with knowledge of all the facts that you are acting as a councillor;
 - 4.3. The Code applies to all forms of communication and interaction, including:
 - at face-to-face meetings
 - at online or telephone meetings
 - in written communication
 - in verbal communication
 - in non-verbal communication
 - in electronic and social media communication, posts, statements and comments.
 - 4.4. You are also expected to uphold high standards of conduct and show leadership at all times when acting as a councillor.

- 4.5. Your Monitoring Officer has statutory responsibility for the implementation of the Code of Conduct, and you are encouraged to seek advice from your Monitoring Officer on any matters that may relate to the Code of Conduct. Town and parish councillors are encouraged to seek advice from their Clerk, who may refer matters to the Monitoring Officer.

5. Standards of councillor conduct

- 5.1. This section sets out your obligations (formatted in **Bold**), which are the minimum standards of conduct required of you as a councillor. Should your conduct fall short of these standards, a complaint may be made against you, which may result in action being taken.
- 5.2. Guidance is included (formatted in *Italics*) to help explain the reasons for the obligations and how they should be followed.

General Conduct

1. **Respect**

As a councillor:

- 1.1. **I treat other councillors and members of the public with respect.**
- 1.2. **I treat local authority employees, employees and representatives of partner organisations and those volunteering for the local authority with respect and respect the role they play.**

Respect means politeness and courtesy in behaviour, speech, and in the written word. Debate and having different views are all part of a healthy democracy. As a councillor, you can express, challenge, criticise and disagree with views, ideas, opinions and policies in a robust but civil manner. You should not, however, subject individuals, groups of people or organisations to personal attack.

In your contact with the public, you should treat them politely and courteously. Rude and offensive behaviour lowers the public's expectations and confidence in councillors.

In return, you have a right to expect respectful behaviour from the public. If members of the public are being abusive, intimidatory or threatening you are entitled to stop any conversation or interaction in person or online and report them to the local authority, the relevant social media provider or the police. This also applies to fellow councillors, where action could then be taken under the Councillor Code of Conduct, and local authority employees, where concerns should be raised in line with the local authority's councillor- officer protocol.

2. **Bullying, harassment and discrimination**

As a councillor:

- 2.1. **I do not bully any person.**
- 2.2. **I do not harass any person.**
- 2.3. **I promote equalities and do not discriminate unlawfully against any person.**

The Advisory, Conciliation and Arbitration Service (ACAS) characterises bullying as offensive, intimidating, malicious or insulting behaviour, an abuse or misuse of power through means that undermine, humiliate, denigrate or injure the recipient. Bullying might be a regular pattern of behaviour or a one-off incident, happen face-to-face, on social media, in emails or phone calls, happen in the workplace or at work social events and may not always be obvious or noticed by others.

The Protection from Harassment Act 1997 defines harassment as conduct that causes alarm or distress or puts people in fear of violence and must involve such conduct on at least two occasions. It can include repeated attempts to impose unwanted communications and contact upon a person in a manner that could be expected to cause distress or fear in any reasonable person.

Unlawful discrimination is where someone is treated unfairly because of a protected characteristic. Protected characteristics are specific aspects of a person's identity defined by the Equality Act 2010. They are age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation.

The Equality Act 2010 places specific duties on local authorities. Councillors have a central role to play in ensuring that equality issues are integral to the local authority's performance and strategic aims, and that there is a strong vision and public commitment to equality across public services.

3. Impartiality of officers of the council

As a councillor:

- 3.1. I do not compromise, or attempt to compromise, the impartiality of anyone who works for, or on behalf of, the local authority.**

Officers work for the local authority as a whole and must be politically neutral (unless they are political assistants). They should not be coerced or persuaded to act in a way that would undermine their neutrality. You can question officers in order to understand, for example, their reasons for proposing to act in a particular way, or the content of a report that they have written. However, you must not try and force them to act differently, change their advice, or alter the content of that report, if doing so would prejudice their professional integrity.

4. Confidentiality and access to information

As a councillor:

- 4.1. I do not disclose information:**

- 4.1.1. given to me in confidence by anyone**
- 4.1.2. acquired by me which I believe, or ought reasonably to be aware, is of a confidential nature, unless**
- 4.1.3. I have received the consent of a person authorised to give it;**
- 4.1.4. I am required by law to do so;**
- 4.1.5. the disclosure is made to a third party for the purpose of obtaining professional legal advice provided that the third party agrees not to disclose the information to any other person; or**
- 4.1.6. the disclosure is:**
 - 4.1.7. reasonable and in the public interest; and**
 - 4.1.8. made in good faith and in compliance with the reasonable requirements of the local authority; and**

4.1.9. I have consulted the Monitoring Officer prior to its release.

- 4.2. I do not improperly use knowledge gained solely as a result of my role as a councillor for the advancement of myself, my friends, my family members, my employer or my business interests.**
- 4.3. I do not prevent anyone from getting information that they are entitled to by law.**

Local authorities must work openly and transparently, and their proceedings and printed materials are open to the public, except in certain legally defined circumstances. You should work on this basis, but there will be times when it is required by law that discussions, documents and other information relating to or held by the local authority must be treated in a confidential manner. Examples include personal data relating to individuals or information relating to ongoing negotiations.

5. Disrepute

As a councillor:

- 5.1. I do not bring my role or local authority into disrepute.**

As a Councillor, you are trusted to make decisions on behalf of your community and your actions and behaviour are subject to greater scrutiny than that of ordinary members of the public. You should be aware that your actions might have an adverse impact on you, other councillors and/or your local authority and may lower the public's confidence in your or your local authority's ability to discharge your/its functions. For example, behaviour that is considered dishonest and/or deceitful can bring your local authority into disrepute.

You are able to hold the local authority and fellow councillors to account and are able to constructively challenge and express concern about decisions and processes undertaken by the council whilst continuing to adhere to other aspects of this Code of Conduct.

6. Use of position

As a councillor:

- 6.1. I do not use, or attempt to use, my position improperly to the advantage or disadvantage of myself or anyone else.**

Your position as a member of the local authority provides you with certain opportunities, responsibilities, and privileges, and you make choices all the time that will impact others. However, you should not take advantage of these opportunities to further your own or others' private interests or to disadvantage anyone unfairly.

7. Use of local authority resources and facilities

As a councillor:

- 7.1. I do not misuse council resources.**
- 7.2. I will, when using the resources of the local authority or authorising their use by others:**
- 7.2.1. act in accordance with the local authority's requirements; and**

- 7.2.2. ensure that such resources are not used for political purposes unless that use could reasonably be regarded as likely to facilitate, or be conducive to, the discharge of the functions of the local authority or of the office to which I have been elected or appointed.**

You may be provided with resources and facilities by the local authority to assist you in carrying out your duties as a councillor.

Examples include:

- *office support*
- *stationery*
- *equipment such as phones, and computers • transport*
- *access and use of local authority buildings and rooms.*

These are given to you to help you carry out your role as a councillor more effectively and are not to be used for business or personal gain. They should be used in accordance with the purpose for which they have been provided and the local authority's own policies regarding their use.

8. Complying with the Code of Conduct

As a councillor:

- 8.1. I undertake Code of Conduct training provided by my local authority.**
- 8.2. I cooperate with any Code of Conduct investigation and/or determination.**
- 8.3. I do not intimidate or attempt to intimidate any person who is likely to be involved with the administration of any investigation or proceedings.**
- 8.4. I comply with any sanction imposed on me following a finding that I have breached the Code of Conduct.**

It is extremely important for you as a councillor to demonstrate high standards, for you to have your actions open to scrutiny and for you not to undermine public trust in the local authority or its governance. If you do not understand or are concerned about the local authority's processes in handling a complaint you should raise this with your Monitoring Officer.

Protecting your reputation and the reputation of the local authority

9. Interests

As a councillor:

- 9.1. I register and disclose my interests.**

Section 29 of the Localism Act 2011 requires the Monitoring Officer to establish and maintain a register of interests of members of the authority.

You need to register your interests so that the public, local authority employees and fellow councillors know which of your interests might give rise to a conflict of interest. The register is a public document that can be consulted when (or before) an issue arises. The register also protects you by allowing you to demonstrate openness and

a willingness to be held accountable. You are personally responsible for deciding whether or not you should disclose an interest in a meeting, but it can be helpful for you to know early on if others think that a potential conflict might arise. It is also important that the public know about any interest that might have to be disclosed by you or other councillors when making or taking part in decisions, so that decision making is seen by the public as open and honest. This helps to ensure that public confidence in the integrity of local governance is maintained.

*You should note that failure to register or disclose a disclosable pecuniary interest as set out in **Table 1**, is a criminal offence under the Localism Act 2011.*

***Appendix A** sets out the detailed provisions on registering and disclosing interests. If in doubt, you should always seek advice from your Monitoring Officer.*

10. Gifts and hospitality

As a councillor:

- 10.1. I do not accept gifts or hospitality, irrespective of estimated value, which could give rise to real or substantive personal gain or a reasonable suspicion of influence on my part to show favour from persons seeking to acquire, develop or do business with the local authority or from persons who may apply to the local authority for any permission, licence or other significant advantage.**
- 10.2. I register with the Monitoring Officer any gift or hospitality with an estimated value of at least £50 within 28 days of its receipt.**
- 10.3. I register with the Monitoring Officer any significant gift or hospitality that I have been offered but have refused to accept.**

In order to protect your position and the reputation of the local authority, you should exercise caution in accepting any gifts or hospitality which are (or which you reasonably believe to be) offered to you because you are a councillor. The presumption should always be not to accept significant gifts or hospitality. However, there may be times when such a refusal may be difficult if it is seen as rudeness in which case you could accept it but must ensure it is publicly registered. However, you do not need to register gifts and hospitality which are not related to your role as a councillor, such as Christmas gifts from your friends and family. It is also important to note that it is appropriate to accept normal expenses and hospitality associated with your duties as a councillor. If you are unsure, do contact your Monitoring Officer for guidance.

Appendices

Appendix A Registering interests

Within 28 days of becoming a member or your re-election or re-appointment to office you must register with the Monitoring Officer the interests which fall within the categories set out in **Table 1 (Disclosable Pecuniary Interests)** which are as described in "The Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012". You should also register details of your other personal interests which fall within the categories set out in **Table 2 (Other Registerable Interests)**.

“Disclosable Pecuniary Interest” means an interest of yourself, or of your partner if you are aware of your partner's interest, within the descriptions set out in Table 1 below.

"Partner" means a spouse or civil partner, or a person with whom you are living as husband or wife, or a person with whom you are living as if you are civil partners.

1. You must ensure that your register of interests is kept up-to-date and within 28 days of becoming aware of any new interest, or of any change to a registered interest, notify the Monitoring Officer.
2. A ‘sensitive interest’ is as an interest which, if disclosed, could lead to the councillor, or a person connected with the councillor, being subject to violence or intimidation.
3. Where you have a ‘sensitive interest’ you must notify the Monitoring Officer with the reasons why you believe it is a sensitive interest. If the Monitoring Officer agrees they will withhold the interest from the public register.

Non participation in case of disclosable pecuniary interest

4. Where a matter arises at a meeting which directly relates to one of your Disclosable Pecuniary Interests as set out in **Table 1**, you must disclose the interest, not participate in any discussion or vote on the matter and must not remain in the room unless you have been granted a dispensation. If it is a ‘sensitive interest’, you do not have to disclose the nature of the interest, just that you have an interest. Dispensation may be granted in limited circumstances, to enable you to participate and vote on a matter in which you have a disclosable pecuniary interest.
5. Where you have a disclosable pecuniary interest on a matter to be considered or is being considered by you as a Cabinet member in exercise of your executive function, you must notify the Monitoring Officer of the interest and must not take any steps or further steps in the matter apart from arranging for someone else to deal with it.

Disclosure of Other Registerable Interests

6. Where a matter arises at a meeting which **directly relates** to the financial interest or wellbeing of one of your Other Registerable Interests (as set out in **Table 2**), you must disclose the interest. You may speak on the matter only if members of the public are also allowed to speak at the meeting but otherwise must not take part in any discussion or vote on the matter and must not remain in the room unless you have been granted a dispensation. If it is a ‘sensitive interest’, you do not have to disclose the nature of the interest.

Disclosure of Non-Registerable Interests

7. Where a matter arises at a meeting which **directly relates** to your financial interest or well-being (and is not a Disclosable Pecuniary Interest set out in

Table 1) or a financial interest or well-being of a relative or close associate, you must disclose the interest. You may speak on the matter only if members of the public are also allowed to speak at the meeting. Otherwise you must not take part in any discussion or vote on the matter and must not remain in the room unless you have been granted a dispensation. If it is a 'sensitive interest', you do not have to disclose the nature of the interest.

8. Where a matter arises at a meeting which affects –
 - 8.1. your own financial interest or well-being;
 - 8.2. a financial interest or well-being of a relative or close associate; or
 - 8.3. a financial interest or wellbeing of a body included under Other Registrable Interests as set out in Table 2

you must disclose the interest. In order to determine whether you can remain in the meeting after disclosing your interest the following test should be applied
9. Where a matter (referred to in paragraph 8 above) affects the financial interest or well-being:
 - 9.1. to a greater extent than it affects the financial interests of the majority of inhabitants of the ward affected by the decision and;
 - 9.2. a reasonable member of the public knowing all the facts would believe that it would affect your view of the wider public interest
 - 9.3. You may speak on the matter only if members of the public are also allowed to speak at the meeting. Otherwise you must not take part in any discussion or vote on the matter and must not remain in the room unless you have been granted a dispensation.
 - 9.4. If it is a 'sensitive interest', you do not have to disclose the nature of the interest.
10. Where you have an Other Registrable Interest or Non-Registrable Interest on a matter to be considered or is being considered by you as a Cabinet member in exercise of your executive function, you must notify the Monitoring Officer of the interest and must not take any steps or further steps in the matter apart from arranging for someone else to deal with it

Table 1: Disclosable Pecuniary Interests

This table sets out the explanation of Disclosable Pecuniary Interests as set out in the [Relevant Authorities \(Disclosable Pecuniary Interests\) Regulations 2012](#).

Subject	Description
Employment, office, trade, profession or vocation	Any employment, office, trade, profession or vocation carried on for profit or gain.

Subject	Description
Sponsorship	Any payment or provision of any other financial benefit (other than from the council) made to the councillor during the previous 12-month period for expenses incurred by him/her in carrying out his/her duties as a councillor, or towards his/her election expenses. This includes any payment or financial benefit from a trade union within the meaning of the Trade Union and Labour Relations (Consolidation) Act 1992.
Contracts	Any contract made between the councillor or his/her spouse or civil partner or the person with whom the councillor is living as if they were spouses/civil partners (or a firm in which such person is a partner, or an incorporated body of which such person is a director* or a body that such person has a beneficial interest in the securities of*) and the council — (a) under which goods or services are to be provided or works are to be executed; and (b) which has not been fully discharged.
Land and Property	Any beneficial interest in land which is within the area of the council. 'Land' excludes an easement, servitude, interest or right in or over land which does not give the councillor or his/her spouse or civil partner or the person with whom the councillor is living as if they were spouses/ civil partners (alone or jointly with another) a right to occupy or to receive income.
Licenses	Any licence (alone or jointly with others) to occupy land in the area of the council for a month or longer
Corporate tenancies	Any tenancy where (to the councillor's knowledge)— the landlord is the council; and the tenant is a body that the councillor, or his/her spouse or civil partner or the person with whom the councillor is living as if they were spouses/ civil partners is a partner of or a director* of or has a beneficial interest in the securities* of.

Subject	Description
Securities	Any beneficial interest in securities* of a body where— that body (to the councillor's knowledge) has a place of business or land in the area of the council; and either— the total nominal value of the securities* exceeds £25,000 or one hundredth of the total issued share capital of that body; or if the share capital of that body is of more than one class, the total nominal value of the shares of any one class in which the councillor, or his/ her spouse or civil partner or the person with whom the councillor is living as if they were spouses/civil partners have a beneficial interest exceeds one hundredth of the total issued share capital of that class.

'director' includes a member of the committee of management of an industrial and provident society.

'securities' means shares, debentures, debenture stock, loan stock, bonds, units of a collective investment scheme within the meaning of the Financial Services and Markets Act 2000 and other securities of any description, other than money deposited with a building society.

Table 2: Other Registrable Interests

You must register as an Other Registerable Interest :

- a) any unpaid directorships
- b) any body of which you are a member or are in a position of general control or management and to which you are nominated or appointed by your authority
- c) any body:
 - I. exercising functions of a public nature
 - II. directed to charitable purposes or
 - III. one of whose principal purposes includes the influence of public opinion or policy (including any political party or trade union)

of which you are a member or in a position of general control or management

Consequential amendments to the Constitution and Complaints Handling Process

Part 2A Terms of Reference of the Council, Cabinet, Scrutiny Committee and regulatory committees

Within section 9 of this part to amend the provisions as set out in the box below to be clear that the Sub Committee has the power to impose sanctions, or to make recommendations as it should see fit.

9. Hearing Sub-Committee

- 9.1 Audit and Ethics Committee will appoint a Hearing Sub-Committee as and when required to consider complaints about members in relation to the code of conduct and to determine whether there has been a failure to comply with the code.
- 9.2 Where it is found that there has been a failure to comply with the code, the sub-committee may impose sanctions ~~with the agreement of the member concerned~~ or make recommendations to the Council, **a group leader of a member or to the Parish Council concerned as may be relevant** on the imposition of sanctions.

Note – Text struck through to be deleted, and text in red to be added.

Part 4G Process for Complaints against Councillors of the Constitution to be replaced in its entirety with the Standards Handling Procedure set out in Appendix 1.

Member Champion for Standards Role Profile

Purpose of the Role:

- Assist with the promotion of high standards of Member behaviour and conduct throughout the Council.
- Support Members to understand and comply with the Code of Conduct.
- To support the Audit and Ethics Committee in its promotion of high standards of Member behaviour.
- To support the Monitoring Officer in encouraging and supporting Members development and compliance with the Code of Conduct.
- To serve as a vocal advocate for employees, ensuring their voices are heard and their concerns regarding Member behaviour are addressed.

This role will involve active engagement with the Monitoring Officer and, where necessary, collaboration with group leaders to foster a supportive and inclusive work environment for Members and officers alike.

This role has no formal involvement in the Councils Member Complaints process as set out in the Councils Constitution.

Key Responsibilities:

- Advocacy and Representation:
 - Act as a representative for employees, voicing their concerns and suggestions to the Monitoring Officer, Group Leaders and the Audit and Ethics Committee.
- Engagement with Monitoring Officer:
 - Regularly liaise with the Monitoring Officer to discuss employee-related issues and support Member compliance with the Member Code of Conduct.
 - Work collaboratively to address any concerns raised by employees.
- Collaboration with Group Leaders:
 - Engage with group leaders as needed to discuss and resolve employee issues.
 - Facilitate communication between employees and group leaders to promote understanding and cooperation.
- Communication and Feedback:
 - Maintain open lines of communication with employees to gather feedback and understand any concerns relating to compliance with the Member Code of Conduct.
- Engagement and Reporting:
 - To support the work of the Audit and Ethics Committee in promoting engagement and compliance with the Member Code of Conduct.
 - To support and advise the Audit and Ethics committee on themes and proposals surrounding Members Standards.
 - Where necessary the Champion will report any key updates or matters of concern to the Audit & Ethics Committee. This will be alongside the Monitoring Officer.

Equality Impact Assessment

Service Area	Legal and Governance
Policy/Service being assessed	Member Standards Complaints Process and Code of Conduct
Is this a new or existing policy/service? If existing policy/service please state date of last assessment	The process is existing although the assessment is being undertaken on a refresh of the process.
EqlA Review Team – List of members	Ian Hunt Senior Legal Officer
Date of this assessment	4 November 2024
Signature of responsible officer (to be signed after the EqlA has been completed)	

A copy of this Equality Impact Assessment report, including relevant data and information to be forwarded to the Corporate Equality and Diversity Officer.

Details of Strategy/ Service/ Policy to be analysed

<u>Stage 1 – Scoping and Defining</u>	
(1) Describe the main aims, objectives and purpose of the Strategy/Service/Policy (or decision)?	<p>The Council has a statutory duty to adopt a Code of Conduct for elected Members and to have a complaint handling process to consider any complaints under this process.</p> <p>The existing Code of Conduct is based on the model code published by the Local Government Association. Although with amendments and omissions. It is proposed that the full model code of conduct is adopted. This principally removes the ambiguity around the declaration of “other” interests.</p> <p>The existing complaints process is a skeleton framework, with limited detail. The proposed framework retains the same overarching approach but provides greater detail and guidance. This should ensure greater clarity of process and clearer understanding of the process.</p>
(2) How does it fit with Rugby Borough Council’s Corporate priorities and your service area priorities?	The proposals are part of making Rugby Borough Council an responsible, effective and efficient organisation.
(3) What are the expected outcomes you are hoping to achieve?	Clarity of process, and risk mitigation for elected members.
(4) Does or will the policy or decision affect: <ul style="list-style-type: none"> • Customers • Employees • Wider community or groups 	The main impact is on elected members of the Council and Town / Parish Councils within the Borough as they are subject to the Code / complaints process. Complaints can be made by any member of the public, including other Members, or staff.
<u>Stage 2 - Information Gathering</u>	As a minimum you must consider what is known about the population likely to be affected which will support your understanding of the impact of the policy, e.g. service uptake/usage, customer satisfaction surveys, staffing data, performance data, research information (national, regional and local data sources).

<p>(1) What does the information tell you about those groups identified?</p>	<p>The Code of Conduct is designed to impact on all equally and to set clear standards of behaviour and practice. The volume of complaints is limited meaning that there is no material data to show trends or impacts.</p> <p>Given that any Borough resident could engage with the complaints policy (and indeed Councillors are drawn from that wider population) the census 2021 data is able to give some indication of the potential individuals who may be using the system.</p> <p>The following are relevant data points:</p> <ul style="list-style-type: none"> • Reviewing Household language; in 87.5% of households within the Borough all adults have English as their main language. By contrast there are 7.1% of households (3,331) where there are no people within the household who have English as a primary language. The remaining 5.4% have some level of English speakers. • For those reporting their main language, 88.48% reported this as English, with Polish at 3.06% and Romanian at 1.84%. • Considering disability, 76.9% of the borough have no long term physical or mental health conditions. Clearly not all disabilities would impact on the ability to interact with the policy under consideration. The census does not provide further breakdown of disability types. The RNIB Sight Loss Data Tool (v5) indicates that around 1.2% of the population of the Borough are living with Moderate (Partial Sight) to Severe (blindness) sight loss. Clearly this is just one domain and other disabilities could impact engagement.
<p>(2) Have you consulted or involved those groups that are likely to be affected by the strategy/ service/policy you want to implement? If yes, what were their views and how have their views influenced your decision?</p>	<p>The work to develop the policy engaged heavily with elected members of all political groups, as well as Town and Parish councillors via a number of workshops with the Councils external consultants, the feedback from this is contained within the report at appendix 1 of the report. It has also drawn on best practice from across the country.</p> <p>The LGA Code of conduct was subject to extensive consultation across the country in its formation. LGA Model Member Code of Conduct: Consultation response analysis, November 2020 Local Government Association and LGA's response to the findings of the consultation on the draft Model Member Code of Conduct Local Government Association</p>

(3) If you have not consulted or engaged with communities that are likely to be affected by the policy or decision, give details about when you intend to carry out consultation or provide reasons for why you feel this is not necessary.	Although no further formal consultation is intended, the process will be kept under review as part of the overall review processes of the Legal and Governance Service.		
<u>Stage 3 – Analysis of impact</u>			
<p>(1) <u>Protected Characteristics</u> From your data and consultations is there any positive, adverse or negative impact identified for any particular group, which could amount to discrimination?</p> <p>If yes, identify the groups and how they are affected.</p>	<p>RACE</p> <p>Very limited impact; mitigation in place.</p>	<p>DISABILITY</p> <p>Very limited impact; mitigation in place.</p>	<p>GENDER</p> <p>No impact identified</p>
	<p>MARRIAGE/CIVIL PARTNERSHIP</p> <p>No impact identified</p>	<p>AGE</p> <p>No impact identified</p>	<p>GENDER REASSIGNMENT</p> <p>No impact identified</p>
	<p>RELIGION/BELIEF</p> <p>No impact identified</p>	<p>PREGNANCY MATERNITY</p> <p>No impact identified</p>	<p>SEXUAL ORIENTATION</p> <p>No impact identified</p>
<p>(2) <u>Cross cutting themes</u> (a) Are your proposals likely to impact on social inequalities e.g. child poverty, geographically disadvantaged communities? If yes, please explain how?</p> <p>(b) Are your proposals likely to impact on a carer who looks after older people or people with disabilities? If yes, please explain how?</p>	There are no anticipated impacts.		
(3) If there is an adverse impact, can this be justified?	No material adverse impact has been identified. Note the mitigation to the potential barriers at 4 below.		

<p>(4) What actions are going to be taken to reduce or eliminate negative or adverse impact? (This should form part of your action plan under Stage 4.)</p>	<p>The requirement for a written complaint (which can be electronic or hard copy) means that there is a potential for there to be a barrier for complainants who do not have adequate written English.</p> <p>This primarily could be as a result of either language barriers from racial or related characteristics or through disability. It should be noted that to date there has not been a situation where this is known to have caused an issue.</p> <p>In the case where there is a difficulty for a person to engage. Either a person can be supported by a third party (such as a family member or community representative) or a direct verbal complaint can be facilitated. It is considered that in light of past experience locally and from other councils and the demographic data this is a sufficiently limited situation that the mitigation proposed is appropriate.</p> <p>The option will be communicated on the complaints pages of the Councils website, equally the documentation will be prepared with consideration to the use of straightforward and basic language styles to facilitate the easiest communication practical.</p>
<p>(5) How does the strategy/service/policy contribute to the promotion of equality? If not, what can be done?</p>	<p>This on its own does not directly promote equality, however by ensure good governance and decision making it facilitates the wider work of the Council.</p>
<p>(6) How does the strategy/service/policy promote good relations between groups? If not, what can be done?</p>	<p>The code of conduct facilitates the promotion of respect and appropriate behaviours, and through the complaints process the enforcement of this. Whilst not a direct promotion of relationships this facilitates other avenues in a respectful and appropriate way.</p>
<p>(7) Are there any obvious barriers to accessing the service? If yes how can they be overcome?</p>	<p>See 4. It is worth noting that although the primary mechanism for the communication of the process and handling of complaints will be electronic, hard copy documentation can be facilitated.</p>

<u>Stage 4 – Action Planning, Review and Monitoring</u>	
<p>If No Further Action is required then go to – Review and Monitoring</p> <p>(1) Action Planning – Specify any changes or improvements that can be made to the service or policy to mitigate or eradicate negative or adverse impact on specific groups, including resource implications.</p>	No specific steps are required.
<p>(2) Review and Monitoring State how and when you will monitor policy and Action Plan</p>	<p>The complaints process will be subject to ongoing monitoring and management through service planning.</p> <p>The code of conduct will be reviewed to ensure it remains in line with best practice and legal requirements.</p>

Please annotate your policy with the following statement:

‘An Equality Impact Assessment on this policy was undertaken on (date of assessment) and will be reviewed on (insert review date).’