



LOCAL CODE OF CONDUCT

RAISING CONCERNS ABOUT THE CONDUCT OF MEMBERS OF THE FIRE AUTHORITY

From 8 May 2008 the responsibility for considering concerns that a Member may have breached the Code of Conduct has moved to the Standards Committees of local authorities. Previously, complaints of Member misconduct were directed to the Standards Board for England.

What this means to you

If you want to complain about the conduct of a Member of Humberside Fire Authority, you must submit your complaint to:

Chair of the Assessment Sub-Committee
c/o Monitoring Officer
The Governance and Standards Committee
Humberside Fire Authority
Fire and Rescue Service Headquarters
Summergroves Way
Kingston upon Hull
HU4 7BB

or email it to standards@humbersidefire.gov.uk

A form will be sent to you for completion and return (or it is available on line).

The Assessment Sub-Committee can only deal with complaints about the behaviour of a Member. It will not deal with complaints about things that are not covered by the Members' Code of Conduct. If you make a complaint to the Assessment Sub-Committee it must be about why you think a Member has not followed the Code of Conduct.

Please visit our website at www.humbersidefire.gov.uk for more information or alternatively go to www.standardsboard.gov.uk.

Robin Graham
Monitoring Officer – Humberside Fire Authority/
Secretary and Director of Corporate Administration
May 2008

MEMBER CONDUCT

RAISING CONCERNS (COMPLAINT FORM)

Your details

1. Please provide us with your name and contact details

Title:	
First name:	
Last name:	
*Address:	
*Daytime telephone:	
*Evening telephone:	
*Mobile telephone:	
*Email address:	

* These details will not usually be released unless it is necessary to do so to deal with your complaint.

However, we will tell the following people that you have made this complaint:

- The Member(s) you are complaining about
- The Monitoring Officer
- The Members of the Governance and Standards Committee
- Members of the Fire Authority via case summaries

We will tell them your name and give them a summary of your complaint, or we will give them full details of your complaint where it is necessary or appropriate for them to be able to deal with it. If you have serious concerns about your name and a summary, or details of your complaint being released, please complete section 5 of this form.

2. Please tell us which group best describes you:

- Member of the public
- An elected Member or co-opted Member of the Humberside Fire Authority
- An elected or co-opted Member of a constituent authority of the Humberside Fire Authority area (i.e. East Riding of Yorkshire Council, North East Lincolnshire Council, Hull City Council, North Lincolnshire Council)
- An Independent Member of the Governance and Standards Committee

- Member of Parliament
- Monitoring Officer
- Senior Officer of the Humberside Fire Authority
- Other Officer of the Humberside Fire Authority

Making your complaint

3. Please provide us with the name of the Member(s) you believe have breached the Code of Conduct :

Title	First name	Last name

4. Please explain in this section (or on separate sheets) what the Member has done that you believe breaches the Code of Conduct. If you are complaining about more than one Member you should clearly explain what each individual person has done that you believe breaches the Code of Conduct.

It is important that you provide **all** the information you wish to have taken into account by the Assessment Sub-Committee when it decides whether to take any action on your complaint.

Please provide us with details of your complaint. Continue on a separate sheet if there is not enough space on this form.

Details of your complaint (continued)

Notes

- You should be specific, wherever possible, about exactly what you are alleging the Member said or did. For instance, instead of writing that the Member insulted you, you should state what it was they said.
- You should provide the dates of the alleged incidents wherever possible. If you cannot provide exact dates it is important to give a general timeframe.
- You should confirm whether there are any witnesses to the alleged conduct and provide their names and contact details if possible.
- You should provide all relevant background information and attach all evidence that you seek to rely upon to substantiate your complaint.

Only complete this next section if you are requesting that your identity is kept confidential

5. In the interests of fairness and natural justice, we believe Members who are complained about have a right to know who has made the complaint. We also believe they have a right to be provided with a summary of the complaint. We are unlikely to withhold your identity or the details of your complaint unless you have good reason to believe that:

- You would be at risk of physical harm if your identity was disclosed
- You work closely with the Member concerned
- There are medical reasons which would justify why disclosure should not take place

Please note that requests for confidentiality or requests for suppression of complaint details will not automatically be granted. The Assessment Sub-Committee will consider the request alongside the substance of your complaint. We will contact you with the decision. If your request for confidentiality is not granted, we will usually allow you the option of withdrawing your complaint.

However, it is important to understand that in certain exceptional circumstances where the matter complained about is very serious, we can proceed with an investigation or other action and disclose your name even if you have expressly asked us not to.

Please provide details of why you believe we should withhold your name and/or the details of your complaint

6. Assistance required

Should you require any assistance to complete this application (for example if you have a particular disability or if English is not your first language) kindly contact the Monitoring Officer on (01482) 567443.

7. Disclose of Relationship with a Humberside Fire Authority Officer or Member

Should you have any relationship with an Officer or Member which could affect in any way the progression of your complaint, then you are asked to disclose that relationship. It may for example be that you are an associate of a Member of the Governance and Standards Committee or an Officer who may be involved.

8. Diversity and Community Monitoring

We would encourage you to complete the attached diversity monitoring form. We will only use this information for the sole purpose of evaluating which sections of our communities have raised concerns about the conduct of Members. This information may result in, for example, more focused engagement.

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MEMBER COMPLAINTS – COMMUNITY DIVERSITY ANALYSIS

Your ethnic origin is recorded as _____ (from the list below)

Asian or Asian British

Indian AI
Pakistani AP
Bangladeshi AB
Any other Asian background AO

Mixed

White & Black Caribbean MWBC
White & Black African MWBA
White & Asian MWA
Any other Mixed background MO

Black or Black British

Caribbean BC
African BA
Any other Black background BO

White

British WB
Irish WI
Any other White background WO

Chinese or other ethnic group

Chinese CH Other O

My age is:

< 25 25-34 35-44 45-54 55-64 65+

I am:

Male Female Prefer not to say

What is your religion or belief?

Christian Hindu
 Muslim Sikh
 Buddhist Prefer not to say
 Jewish Other religion
(please specify) _____

I live in one of the following administrative areas:

East Riding of Yorkshire North East Lincolnshire Other _____
 Hull North Lincolnshire _____

I am:

Heterosexual

Lesbian or gay

Transsexual

Bisexual

Prefer not to say

Do you have a disability?

Yes

No

Prefer not to say

The information disclosed shall be used for the sole purpose of monitoring which sections of our communities make complaints concerning Member Conduct. The information may be used to focus increased training or perhaps greater engagement, perhaps to ensure that the role of the Humberside Fire Authority is fully understood.

Name: _____ (if willing to specify)

THE PROCESS – AN OVERVIEW

The Process

Once you have completed the Complaint Form and returned it to the Monitoring Officer, a meeting of the Assessment Sub-Committee will be convened. The receipt of your Complaint Form will be acknowledged. This will normally take place within 20 working days of receipt, and should this not be possible, then you will be notified.

When the Assessment Sub-Committee meets, it will decide whether your complaint should be referred for investigation. It will take into account the following, for example:

- Have you submitted sufficient information to make a decision to refer for investigation;
- Is the complaint about a Member of the Humberside Fire Authority;
- Has the complaint already been investigated;
- Is the complaint relevant to the Code of Conduct;
- Is the complaint trivial, vexatious, malicious, politically motivated or 'tit-for-tat';
- Is the complaint, whilst concerning a Humberside Fire Authority Member, more relevant to the discharge of their duties as a Member of a constituent authority.

The Assessment Sub-Committee will write to you informing you of the outcome.

That outcome will be one of the following:-

- (a) Referral for investigation;**
- (b) Decision to take no action;**
- (c) Referral to the Standards Board for England;**
- (d) Referral for other action.**

(a) Referral for Investigation

The Monitoring Officer or their nominated officer will undertake an investigation and report accordingly. It is likely that the Officer will wish to meet you or at least speak with you.

The Officer will produce a draft report having undertaken an initial investigation, which will be shared with you and the Member concerned for comment. The report will then be presented to the Assessment Sub-Committee, which will hear the complaint.

This will be a closed meeting, in private. You will be notified of the procedure and your right to attend and be accompanied by a friend or representative.

The Assessment Sub-Committee will then inform you of its decision, normally orally at the hearing, followed by written notification.

(b) Decision to take no action

The Assessment Sub-Committee can decide to take no action. This will happen particularly where no potential breach of the Code of Conduct is disclosed.

You will be notified of the decision within 5 working days of the decision but you have the right to seek a review. You can seek that review within 30 working days of the decision of the Assessment Sub-Committee.

The review will be considered by the Review Sub-Committee of the Governance and Standards Committee, its composition being separate from the Assessment Sub-Committee. That Review Sub-Committee can either refer the matter back to the Assessment Sub-Committee for investigation or decide no action shall be taken (it could decide also to refer to the Standards Board or refer for other action).

(c) Referral to the Standards Board for England

Where the Assessment Sub-Committee considers that it is appropriate to do so, for example where:

- the status of the Member concerned would make it difficult to investigate;
- there are a number of potential conflicts of interest;
- the case is particularly serious and complex;
- a national ruling on a significant issue is necessary;
- substantial evidence is required beyond that which is available to the Sub-Committee;

then the complaint will be referred to the Standards Board for England for investigation. Note, the Standards Board may refer the matter back to the Governance and Standards Committee for action.

(d) Referral for other action

The Assessment Sub-Committee may decide that other action is more appropriate rather than referring the matter for investigation.

This may include, for example:

- Arranging for a Member(s) to attend a training course;
- Arranging for conciliation between you and the Member concerned.

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PROCESS – MAKING A COMPLAINT ABOUT MEMBER CONDUCT



