



# **Shropshire and Wrekin**

## **Fire and Rescue Authority**

# **Section 4**

## **Standards Procedures**

# Shropshire and Wrekin Fire and Rescue Authority

## Managing Complaints about Members

All Members of the Fire Authority have to comply with a Code of Conduct that details what is expected of them when they carry out their role as a Member of the Fire Authority.

This document explains how to make a complaint about a Member of the Fire Authority, if you think that they might have breached the Fire Authority's Member Code of Conduct.

### The Code of Conduct

You can get a copy of the Fire Authority's Member Code of Conduct by following this link

<http://www.shropshirefire.gov.uk/sites/default/files/section-12-v1.0-august-2013.pdf>

or by contacting the Monitoring Officer, whose contact details are provided below.

### Can I be confident that my complaint will be properly dealt with?

The law requires the Fire Authority to appoint an Independent Person: a person who has nothing to do with the Authority, other than in this role, who must be consulted at various stages during the complaints process, and whose role is to ensure that all complaints are dealt with fairly.

### Making a Complaint

Write to the Monitoring Officer:

Jonathan Eatough  
Telford & Wrekin Council  
Darby House  
Lawn Central  
Telford  
Shropshire  
TF3 4LF

Telephone: (01952) 383200

Email: [jonathan.eatough@telford.gov.uk](mailto:jonathan.eatough@telford.gov.uk)

The Monitoring Officer is an officer of the Fire Authority, who is responsible for administering this complaints system.

There is a form for you to use to complain, which can be accessed via the following link:

<http://www.shropshirefire.gov.uk/managing-service/fire-and-rescue-authority/complaint-about-member>

You do not need to use it but the information requested on the form will be required and it could delay the process, if you do not include all of this information.

### **What happens next?**

The Monitoring Officer aims to acknowledge receipt of your complaint within 5 working days of receiving it.

The Monitoring Officer will review your complaint, discuss it with the Independent Person and write to you to inform you whether or not he/she has decided to refer it for investigation. Normally this will be within 14 working days of receiving your complaint. Sometimes the Monitoring Officer may refer your complaint for consideration by the Standards and Human Resources Committee Hearings Panel, (the Hearings Panel) where, for example he / she has previously advised on the matter or the complaint is particularly sensitive.

The Monitoring Officer might ask for more information. He / she might also ask for information from the Member, about whom you are complaining, or the Council, of which they are a member.

The Monitoring Officer might seek to resolve the complaint informally, i.e. before deciding to refer your complaint for investigation. Obviously, your views are important here but, if the Monitoring Officer believes that the proposed solution is reasonable, for example acceptance that behaviour was unacceptable and an offered apology, this might affect the decision of the Monitoring Officer about whether or not the complaint merits formal investigation.

### **Investigations**

If referring for formal investigation, the Monitoring Officer will appoint an Investigating Officer, who will contact you and the Member about whom you have complained, and undertake any other such investigations as he/she considers appropriate for the purposes of the investigation. In exceptional cases your identity will be protected for some or all of the investigation. If you consider that it would be appropriate to do this in your case, you must let the Monitoring Officer know when you make your complaint. This would generally only be done where providing your details might prejudice the investigation.

The Investigating Officer will publish a draft report for consideration by you and the Member, about whom you have complained. Once any comments have been considered by the Investigating Officer a Final Report will be produced and sent to the Monitoring Officer. The Final Report will then be considered by the Monitoring Officer, who may either accept the report or ask the investigating Officer to re-consider his/her report.

## **Investigation Finding of No Breach**

The Monitoring Officer will write to you and the Member, about whom you have complained, enclosing a copy of the Final Report and confirming that no further action is required.

## **Investigation Finding of Breach**

The Monitoring Officer will write to you and the Member, about whom you have complained, enclosing a copy of the Final Report, and will either seek local resolution or will convene a hearing of the Hearings Panel.

## **Local Resolution**

If, at any time before, during, or after, the investigation the Monitoring Officer, the Independent Person and you all agree a fair resolution of the complaint in a way that promotes high standards of conduct and the Member complies with the suggested resolution, then the Monitoring Officer will report the matter to the Standards and Human Resources Committee for information but will take no further action.

## **Hearing**

If local resolution is not possible then the Monitoring Officer will convene a meeting of the Hearings Panel for it to consider the Investigating Officer's Report and the views of the Independent Person on the allegation and to determine whether or not there has been a breach of the Fire Authority's Code of Conduct and, if so, what action, if any, to take in respect of the Member.

## **Hearing Procedure**

The Hearing Procedure is detailed below but may be changed by the Chair of the Committee, if he / she considers that it is appropriate to do so.

## **Note**

You might be asked by the Investigating Officer to attend and give evidence to the Hearings Panel.

## **Pre Hearing**

1. Notification of hearing date (Investigation Report already provided to the Member)
2. Invitation to Member to submit list of further documents/ witnesses that he/she wishes to call
3. Circulation of papers

## **Hearing**

4. Introductions
5. Chair explains the process to be followed

6. Investigating Officer presents his/her report (and may ask witnesses to attend if necessary)
7. Members of the Hearings Panel may ask questions
8. Member or his/ her representative may ask questions
9. Member or his/ her representative responds to the Investigation Report (and may ask witnesses to attend if necessary)
10. Members of the Hearings Panel may ask questions
11. The Investigating Officer may ask questions
12. The Committee will retire to consider whether or not it considers that there has been a breach of the Fire Authority's Code of Conduct

### **Decision – No Breach**

13. The complaint is dismissed.

### **Decision – Breach**

14. After offering the Member complained about, or his / her representative an opportunity to speak, the Hearings Panel will consider what action, if any, to take in respect of the Member.

### **Actions**

15. There are no provisions in law to apply sanctions to the Member found to be in breach of the Code of Conduct, so any actions are aimed at securing the continuing ability of the Fire Authority to discharge its functions effectively and might include the following:
  - Reporting its findings to the Fire Authority, considering a censure motion;
  - Recommend to the Member's Group Leader (or the Fire Authority, if they are not part of a Group) that he/she be removed from some or all Committees or Sub-Committees and/or outside appointments;
  - Recommending that the Member attend training; and/or
  - Withdrawing facilities provided to the Member, including restricting access to premises, except as necessary to attend Fire Authority meetings

**Shropshire and Wrekin Fire and Rescue Authority  
Complaint relating to a Breach of the Authority's Code of Conduct**

**Name of the Member/s**

Please provide the name of the Member/s you believe has/have breached the Code of Conduct

Name/s

**Details of Your Complaint**

Please provide details of your complaint in the space below. If you need to, please continue on a separate sheet and add copies of additional documents.

In your complaint you should identify why you think the Member has breached the Fire Authority's Code of Conduct. You must include all the information that you wish to have taken into account, for example:

- You should be specific 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 the Member said.
- Where you can, you should provide the dates of the alleged incident/s.
- You should confirm, if there were any witnesses to the alleged conduct and provide their names and contact details, if possible.
- You should provide any relevant background information.

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## About you

Please provide full contact details, to enable us to contact you

<b>Name</b>	
<b>Address</b>	
<b>Telephone</b> Home Mobile	
<b>Email</b>	

### Note

Unless you have a good reason, which you explain in your complaint, your name and details of your complaint will be available to the Member/s that you are complaining about and will be publicly available and used for the purposes of an investigation, if it goes that far.

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Signed

Date

**Please send your completed form and other information that you wish to be considered to the Monitoring Officer at [monitoringofficer@telford.gov.uk](mailto:monitoringofficer@telford.gov.uk) or via post to the following address:**

The Monitoring Officer  
Telford & Wrekin Council  
Darby House  
Lawn Central  
Telford  
Shropshire  
TF3 4JA

### Additional Help

If you need any help in completing this form please contact the Monitoring Officer on 01952 383200 or by e-mail (see above).

## **Shropshire and Wrekin Fire and Rescue Authority Standards and Human Resources Committee Dispensations Procedure**

The procedure for the consideration of dispensation applications by this Committee would be as follows:

- Upon receipt of a dispensation application, the Corporate Support Manager, in liaison with the Clerk and Monitoring Officer, will (where necessary) arrange a special meeting of the Standards and Human Resources Committee.
- A formal agenda for the meeting will be produced and dispatched, together with the dispensation application (and any covering report) in order to comply with the access to information rules and, therefore, to be received no less than five working days prior to the meeting of the Committee to consider the matter.
- In some limited circumstances there is provision for the matter to be considered as an urgent item by the Committee. This would be at the discretion of the Chair of the Committee and such circumstances should be avoided, wherever possible.
- The Committee, upon making its decision, is required to produce a written record of that decision. It is advisable that reasons are also provided as to why the dispensation has been either allowed or refused.

### **Circumstances in which Dispensations May be Granted**

The provisions of Part 1, Chapter 7 of the Localism Act 2011 state that a Member cannot:

- (a) Participate, or participate further, in any discussion of a matter at a meeting or
- (b) Participate in any vote, or further vote, taken on the matter at the meeting

if the Member has a disclosable pecuniary interest in the matter being considered.

The Fire Authority's Member Code of Conduct (see Section 12 of the Member Handbook) confirms the position and the requirement for the Member to leave the room.



Members can, however, apply for a dispensation to take part in those meetings, if they believe that their failure to take part may cause one or more of the following four outcomes (set out in the Code of Conduct):

The number of Members precluded from transacting the business is so great that it would impede the business of the Fire Authority or any committee	Monitoring Officer
The political balance is affected to the extent that it could affect the outcome of a vote relating to the business.	Monitoring Officer
The dispensation is in the interests of persons living in area of the Fire Authority.	Standards and Human Resources Committee
It is otherwise appropriate to grant a dispensation.	Standards and Human Resources Committee

Members can make an application for a dispensation in writing to take part in meetings, where they would otherwise have a disclosable pecuniary interest for consideration by either the Monitoring Officer or the Standards and Human Resources Committee, depending upon the reason for the dispensation.