



**DORSET & WILTSHIRE  
FIRE AND RESCUE  
AUTHORITY**

Item 26/18

MEETING	Dorset & Wiltshire Fire and Rescue Authority
DATE OF MEETING	31 March 2026
SUBJECT OF THE REPORT	Process for dealing with Code of Conduct complaints
STATUS OF REPORT	For open publication
PURPOSE OF REPORT	To note and approve
EXECUTIVE SUMMARY	<p>This report recommends a process for handling code of complaints relating to alleged breaches of the Member Code of Conduct. The process detailed in Appendix A has been tried and tested in other Authorities.</p> <p>The paper seeks approval of the Authority's arrangements, ensuring compliance with the Localism Act 2011 and promoting high standards of conduct. If approved the Members Handbook would be updated alongside the terms of reference for the Appointments and Dispute Committee.</p>
RISK ASSESSMENT	<p>Compliance with the Localism Act ensures the Authority meets its legal obligations and reduces the risk of legal challenge, including judicial review. It also ensures that complaints are handled in a fair, transparent, and proportionate manner, consistent with the principles of natural justice.</p>
COMMUNITY IMPACT ASSESSMENT	None for the purposes of this report

ENVIRONMENTAL IMPACT ASSESSMENT	None for the purposes of this report
BUDGET IMPLICATIONS	There is a legal requirement to appoint an Independent Person to support the proposed process. This is estimated to be in the region of £500 per year. Costs would seek to be minimised by working alongside the four constituent authorities and their existing arrangements.
RECOMMENDATIONS	Members are asked to: <ul style="list-style-type: none"> <li>• Approve the process for dealing with Code of Conduct complaints.</li> <li>• Delegate authority to the Clerk to appoint an Independent Person, either directly through a process of advertisement and interview or through partner local authority arrangements.</li> </ul>
BACKGROUND PAPERS	None
APPENDIX	Appendix A - Process for dealing with code of conduct complaints
REPORT ORIGINATOR AND CONTACT	Name: Vikki Shearing, Clerk to the Fire and Rescue Authority Email: vikki.shearing@dwfire.org.uk Tel no: 01722 691000

## 1. Background and legal framework

1.1 The relevant section of the Localism Act 2011 places a statutory duty on relevant authorities to promote and maintain high standards of conduct by Members. It states that -

(1) A relevant authority must secure that a code adopted by it under section 27(2) (a “code of conduct”) is, when viewed as a whole, consistent with the following principles:

- (a) selflessness;
- (b) integrity;
- (c) objectivity;
- (d) accountability;
- (e) openness;
- (f) honesty;
- (g) leadership.

(2) A relevant authority must secure that its code of conduct includes the provision the authority considers appropriate in respect of the registration in its register, and disclosure, of -

- (a) pecuniary interests, and
- (b) interests other than pecuniary interests.

1.2 The Authority is compliant with these requirements, Members approved the adoption of the Code of Conduct in June 2021, and this forms part of the Members Handbook. At the time, it was proposed that any alleged code of conduct complaints which related to Fire Authority Members would be processed through the internal complaints process. Historically, there has been an informal agreement with the Monitoring Officers in constituent authorities that they would be notified of the complaint and were necessary handle the matter under their own constituent authority process.

1.3 The Localism Act 2011 also requires relevant Authorities, of which we are one, to adopt formal arrangements for dealing with complaints. These arrangements must include provision for the appointment of an Independent Person whose views are sought before decisions are made. The Law states that:

(6) A relevant authority other than a parish council must have in place:

- (a) arrangements under which allegations can be investigated, and
- (b) arrangements under which decisions on allegations can be made.

(7) Arrangements put in place under subsection (6)(b) by a relevant authority must include provision for the appointment by the authority of at least one independent person:

- (a) whose views are to be sought, and taken into account, by the authority before it makes its decision on an allegation that it has decided to investigate, and
- (b) whose views may be sought

## **2. Proposed complaints process**

2.1 Effective arrangements are essential to:

- Uphold ethical standards, integrity, and accountability of Members
- Maintain public confidence in the Authority's governance
- Ensure consistent and fair handling of complaints
- Protect the Authority from reputational and legal risk
- Enable early resolution of issues and support continuous improvement through learning, training, and cultural development

2.2 Appendix A provides Members with the proposed detailed complaints process that meets legal requirements. The process is designed to ensure fairness, transparency, proportionality, and timely resolution, while maintaining high standards of conduct. The Monitoring Officer, in consultation with the Independent Person, plays a central role in assessing and determining how complaints are progressed. It ensures that the Subject Member is notified of the allegations and given an opportunity to respond. The Monitoring Officer may also consider requests for anonymity from complainants where there are valid grounds, balancing this against the principles of natural justice.

2.3 It introduces an Independent Person who the Monitoring Officer will liaise with to undertake an initial assessment to determine whether the complaint merits further action. Complaints may be rejected where they fall outside the scope of the Code, are unsupported, outdated, trivial, or vexatious.

2.4 Consideration is also given to proportionality, public interest, and whether alternative approaches such as training or conciliation would be more appropriate. Where appropriate, complaints may be resolved informally without the need for formal proceedings. This may include an apology, training, or other remedial action agreed between the parties. Informal resolution is encouraged as a proportionate and efficient means of resolving less serious matters and will usually prevent escalation.

- 2.5 Where a complaint warrants further action, it may proceed via informal resolution, a summary hearing, or a formal investigation. The Monitoring Officer, in consultation with the Independent Person, determines the appropriate route.
- 2.6 Summary hearings provide a streamlined process for considering evidence and determining breaches, while more complex or serious matters are referred for formal investigation. Where required, an Investigating Officer will be appointed to determine whether there is evidence of a breach of the Code.
- 2.7 Investigations are conducted in accordance with principles of proportionality and efficiency, with a target completion timeframe of 12 weeks. Both the complainant and the Subject Member are given the opportunity to comment on draft findings before a final report is issued.
- 2.8 If a breach of the Code of Conduct is indicated, the matter may proceed to a formal hearing before a panel of the Appointments and Disputes Committee. Hearings are conducted in accordance with natural justice, allowing both parties to present evidence and call relevant witnesses. The Panel, informed by the Independent Person's views, determines whether a breach has occurred and what action, if any, is appropriate.
- 2.9 Where a breach is found, the Panel may impose or recommend a range of actions to promote high standards of conduct. These include publication of findings, censure, removal from committees, training requirements, withdrawal of facilities, or requiring an apology. The approach is proportionate and aimed at maintaining public confidence in the Authority.
- 2.10 Complaints are handled confidentially throughout the process. Following determination, the Panel will decide what information, if any, should be published, taking into account legal obligations and the views of the parties involved. These arrangements may be amended by the Panel to ensure ongoing effectiveness and fairness. There is no internal right of appeal against decisions; however, parties retain the right to seek judicial review.

### **3. Next Steps**

- 3.1 Should the Authority decide to adopt the proposed process, this will be incorporated into the Members Handbook, ensuring appropriate roles and responsibilities are clear and internal processes updated to support this approach.
- 3.2 Adjustments will also be made to the terms of reference for the Appointments and Disputes Committee to fulfil 6(b) above.

- 3.3 Under delegated authority, the Clerk will either commence the recruitment of an Independent Person, prioritising a cost effective and proportionate approach or seek to optimise arrangements with other local authorities who have already recruited independent persons.