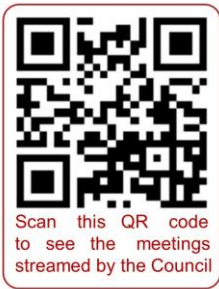


Public Document Pack



**North East
Derbyshire**
District Council

Our Ref: AB/AJD
Contact: Amy Bryan
Tel: 01246 217391
Email: Amy.bryan2@ne-derbyshire.gov.uk
Date: Monday, 7 October 2024

To: **Members of the Standards Committee**

Please attend a meeting of the Standards Committee to be held on **Tuesday, 15 October 2024 at 2.00 pm in the Meeting Rooms 1 & 2**, District Council Offices, 2013 Mill Lane, Wingerworth, Chesterfield, S42 6NG.

Yours sincerely

A handwritten signature in black ink that reads "Sarah Steuberg".

Assistant Director of Governance and Monitoring Officer

Members of the Committee

Councillor K Gillott (Chair)
Councillor H Wetherall (Vice-Chair)
Councillor P Antcliff
Councillor C Cupit
Councillor P Kerry
Councillor F Petersen
Councillor K Rouse
G Hudson
A Orchard
D Richardson

For further information about this meeting please contact: Amy Bryan 01246 217391

A G E N D A

1 Apologies for Absence

2 Declarations of Interest

Members are requested to declare the existence and nature of any disclosable pecuniary interests and/or other interests, not already on their register of interests, in any item in the agenda and withdraw from the meeting at the appropriate time.

3 Minutes of Last Meeting (Pages 4 - 5)

To approve as a correct record and the Chair to sign the Minutes of the Standards Committee held on 26 April 2024.

4 Local Government & Social Care Ombudsman Annual Review Letter (Pages 6 - 13)

Report of the Assistant Director - Communities

5 New Sexual Harassment Legislation (Pages 14 - 27)

Report of the Assistant Director of Governance and Monitoring Officer

6 Code of Practice on Good Governance for Local Authority Statutory Officers (Pages 28 - 34)

Report of the Assistant Director of Governance and Monitoring Officer

7 Review of the Constitution (Pages 35 - 38)

To discuss the 2024/25 review of the Constitution

8 Complaints Update (Pages 39 - 43)

Report of the Assistant Director of Governance and Monitoring Officer

9 Work Programme (Page 44)

10 Urgent Business (public session)

To consider any other matter which the Chair is of the opinion should be considered as a matter of urgency.

Access for All statement

You can request this document or information in another format such as **large print** or **language** or contact us by:

- **Phone** - [01246 231111](tel:01246231111)
- **Email** - connectne@ne-derbyshire.gov.uk
- **Text** - [07800 00 24 25](tel:07800002425)
- **BSL Video Call** – a three way video call with us and a BSL interpreter. It is free to call North East Derbyshire District Council with [Sign Solutions](#) or call into the offices at Wingerworth.
- Call with [Relay UK](#) via textphone or app on [0800 500 888](tel:0800500888)– a free phone service
- **Visiting** our [offices](#) at Wingerworth – 2013 Mill lane, [S42 6NG](#)

STANDARDS COMMITTEE

MINUTES OF MEETING HELD ON FRIDAY, 26 APRIL 2024

Present:

Councillor Kevin Gillott (Chair) (in the Chair)

Councillor Pat Kerry
Councillor Kathy Rouse

Councillor Fran Petersen

Also Present:

S Sternberg
A Bond

Assistant Director of Governance and Monitoring Officer
Governance Officer

STA/ Apologies for Absence

42/2

3-24 Apologies for absence were received from Councillors P Antcliff and C Cupit.

With the agreement of the Chair of Standards, Councillor H Wetherall contributed to the meeting virtually, through the electronic Conference Call system. She did not participate in the decisions taken by Standards Committee at the meeting.

STA/ Declarations of Interest

43/2

3-24 There were no declarations of interest.

STA/ Minutes of Last Meeting

44/2

3-24 RESOLVED – That the Minutes of the meeting of Standards Committee held on 17 April 2024 be approved as a true and accurate record.

STA/ Review of the Constitution

45/2

3-24 Members went over the proposed changes to the Constitution.

They discussed the need to limit the length of meetings of Council and considered that a maximum of three hours with the discretion of the Chair to extend this time would be a sensible limit.

Committee wanted to ensure that children in care would be able to ask questions at meetings of Council. They concluded that provision for this was covered by allowing 16 and 17 year olds living within or attending schools in the District to ask questions. They also considered that the length of questions asked by the public at meetings of Council should be restricted to 200 words and a 15 minute maximum time limit placed on this section of the meeting. This time limit could be extended by the Chair's discretion.

Members drew attention to the Seconder's right to speak on a Motion. They

considered that the Seconder had a responsibility to explain their reason for seconding a Motion and should therefore not be able to reserve their speech unless by discretion of the Chair.

Committee suggested a change to Planning rules that would exclude Members from determination of a Planning application for areas where they are the Ward Member for the application site. The proposed changes would also introduce a requirement for all Planning Committee Members to confirm that they have no predetermination or bias at the start of every Committee meeting. Members considered that these changes would help to mitigate both real and perceived risks of conflict within the Committee and demonstrate good practice to the public.

RESOLVED – That Standards Committee approved the proposed changes to the Constitution and recommended that it be brought to the next meeting of Council for approval.

STA/ Urgent Business (public session)

46/2

3-24 There was no urgent business.

North East Derbyshire District Council

Standards Committee

15th October 2024

Local Government & Social Care Ombudsman Annual Review Letter

Report of the Assistant Director of Communities

This report is public

Report By: Lee Pepper

Contact Officer: Rachael Pope

PURPOSE / SUMMARY

To review the Annual Review letter of the Local Government & Social Care Ombudsman (LG&SCO) **Appendix 1** attached to this report.

RECOMMENDATIONS

That Standards Committee acknowledge the report and findings of the Local Government & Social Care Ombudsman.

Approved by the Portfolio Holder –
Cllr Birkin - Cabinet Member for Customer Services

IMPLICATIONS

Finance and Risk: Yes ☐ No ☐

The Council is at risk of reputational damage by recommendations or decisions by the Local Government & Social Care Ombudsman if complaints are not handled well.

In cases of maladministration, financial penalties can be imposed by the Local Government & Social Care Ombudsman.

In the case of complaints about Freedom of Information, Data Protection and Environmental information requests, the Information Commissioner's office can issue decision notices and impose significant fines.

On behalf of the Section 151 Officer

Legal (including Data Protection): Yes ☐ No ☐

The policy allows compliance with the Local Government Act 1974 and guidance set out by the Local Government & Social Care Ombudsman. It is also in line with the requirements of the General Data Protection Regulations 2018. Freedom of Information Act 2000 and Environmental Information Regulations 2004.

On behalf of the Solicitor to the Council

Staffing: Yes ☐ No ☐

On behalf of the Head of Paid Service

DECISION INFORMATION

Decision Information	
Is the decision a Key Decision? A Key Decision is an executive decision which has a significant impact on two or more District wards or which results in income or expenditure to the Council above the following thresholds: NEDDC: Revenue - £125,000 ☐ Capital - £310,000 ☐ ☒ <i>Please indicate which threshold applies</i>	No
Is the decision subject to Call-In? (Only Key Decisions are subject to Call-In)	No
District Wards Significantly Affected	None
Equality Impact Assessment (EIA) details:	
Stage 1 screening undertaken Completed EIA stage 1 to be appended if not required to do a stage 2	N/A
Stage 2 full assessment undertaken Completed EIA stage 2 needs to be appended to the report	N/A
Consultation: Leader / Deputy Leader ☐ Cabinet ☐ SMT ☐ Relevant Service Manager ☐ Members ☐ Public ☐ Other ☐	Yes Details:

Links to Council Plan priorities, including Climate Change, Economic and Health implications.

Continually improve Council services to deliver excellence and value for money – Good Governance.

REPORT DETAILS

1 **Background**

1.1 The Council received its Annual Review letter from the Local Government & Social Care Ombudsman on the 17th July 2024. It contains information on how many complaints and enquiries had been referred to the Local Government & Social Care Ombudsman and how many complaints were upheld or referred back for local resolution.

1.2 There were 14 complaints and enquiries received in total by the Local Government & Social Care Ombudsman.

To provide context the Council received 244 complaints in total during the period 01st April 2023 to 31st March 2024 this consists of 218 Formal complaints and 26 Internal Reviews.

Ref	Authority	Category	Decided	Decision
23000167	NEDDC	Environmental Services & Public Protection & Regulation	05/06/2023	Referred back for local resolution
23000219	NEDDC	Housing	21/11/2023	Upheld
23000979	NEDDC	Planning & Development	24/05/2023	Closed after initial enquiries
23001882	NEDDC	Housing	18/05/2023	Closed after initial enquiries
23002276	NEDDC	Planning & Development	13/06/2023	Closed after initial enquiries
23002911	NEDDC	Environmental Services & Public Protection & Regulation	29/06/2023	Closed after initial enquiries
23005269	NEDDC	Planning & Development	06/02/2024	Not Upheld
23006139	NEDDC	Planning & Development	03/08/2023	Closed after initial enquiries
23006820	NEDDC	Planning & Development	09/02/2024	Upheld
23009773	NEDDC	Housing	02/10/2023	Referred back for local resolution
23010807	NEDDC	Corporate & Other Services	02/11/2023	Closed after initial enquiries

23012429	NEDDC	Housing	19/12/2023	Upheld
23016212	NEDDC	Planning & Development	08/03/2024	Closed after initial enquiries
23018016	NEDDC	Planning & Development	14/02/2024	Referred back for local resolution

1.3 From the 14 complaints and enquiries received by the Local Government & Social Care Ombudsman

- 3 Complaints were UPHELD by the LG&SCO
- 3 Complaint were referred back for local resolution
- 1 Complaint was not upheld
- 7 Complaints were closed after initial enquiries

1.4 The UPHELD complaints and recommendations were as follows:

- Complaint 23000219 was UPHELD by the LG&SCO this relates to a delay in progressing disabled works by Rykneld Homes on behalf of the Council.
 - The Council were ordered to apologise to the complainant in writing. Make a payment of £300 to the complainant in recognition of the avoidable distress caused by the delay in completing the works to her kitchen.
 - Remind relevant staff that works agreed as part of a disabled adaptation should include details of any works necessary to achieve the adaptation.
 - Remind relevant staff that the extent of disabled adaptation works should be clearly recorded and communicated to the applicant in writing.
The Council should tell the Ombudsman about the action it has taken within eight weeks of the final decision.
- Complaint 23006820 was UPHELD by the LG&SCO this relates to an extension approved by the Council to a neighbouring property which has caused significant loss of light to her property.
 - The Council was at fault for the way it considered a planning application, however this has caused no injustice.
- Complaint 23012429 was UPHELD by the LG&SCO this relates to a failure by the Council to tell its tenants they can apply for a Disabled Facilities Grant if refused an adaptation under its separate policy.
 - The Council should tell tenants refused a disabled adaptation how to apply for a DFG.
 - Review its adaptations policy.
 - Write to the tenants refused an adaptation in the last two years and invite them to apply for a DFG, explaining the means test and other relevant differences to the adaptations policy.

- 1.5 This year's performance falls short of previous years where complaints and enquiries were referred to the Local Government & Social Care Ombudsman as 3 were referred back for local resolution, 7 were closed after initial enquiries and 1 complaint was not Upheld.
- 1.6 This year's data will be uploaded to the LG&SCO website where all Councils performance can be seen on: <https://www/lgo.org.uk/your-councils-performance>

2 Reasons for Recommendation

- 2.1 Ensuring we have a customer friendly and robust Compliments, Comments and Complaints process which aims to resolve matters prior to referral to the Ombudsman is the key priority. To continually improve this, we:
- Deliver face to face training to individual departments when requested. This provides a consistent approach in the way that all officers effectively deal with all Compliments, Comments and Complaints.
 - Ensure all officers dealing with complaints complete quality assurance documentation confirming they have put suitable monitoring arrangements in place as part of our learning from complaints process.
 - Arrange for officers that deal with all stages of the complaints process to attend training delivered by the LG&SCO. It is recommended that officers attend training bi-annually. The next corporate training session will be held on the 16th January 2025.
 - A review of the Compliments, Comments and Complaints Policy and Procedure takes place every three years the next review is due in 2025.

DOCUMENT INFORMATION

Appendix No	Title
Appendix A	Letter from the Local Government & Social Care Ombudsman
Background Papers (These are unpublished works which have been relied on to a material extent when preparing the report. They must be listed in the section below. If the report is going to Cabinet, you must provide copies of the background papers)	

17 July 2024

By email

Mr Hickin
Managing Director
North East Derbyshire District Council

Dear Mr Hickin

Annual Review letter 2023-24

I write to you with your annual summary of complaint statistics from the Local Government and Social Care Ombudsman for the year ending 31 March 2024. The information offers valuable insight about your organisation's approach to complaints, and I know you will consider it as part of your corporate governance processes. As such, I have sought to share this letter with the Leader of your Council and Chair of the appropriate Scrutiny Committee, to ensure effective ownership and oversight of complaint outcomes, which offer valuable opportunities to learn and improve. In addition, this year, we have encouraged Monitoring Officers to register to receive the letter directly, supporting their role to report the decisions we uphold to their council.

For most of the reporting year, Paul Najsarek steered the organisation during his tenure as interim Ombudsman, and I was delighted to take up the role of Ombudsman in February 2024. I look forward to working with you and colleagues across the local government sector to ensure we continue to harness the value of individual complaints and drive and promote systemic change and improvement across the local government landscape.

While I know this ambition will align with your own, I am aware of the difficult financial circumstances and service demands that make continuous improvement a challenging focus for the sector. However, we will continue to hold organisations to account through our investigations and recommend proportionate actions to remedy injustice. Despite the challenges, I have great confidence that you recognise the valuable contribution and insight complaints, and their swift resolution, offer to improve services for the public.

Complaint statistics

Our statistics focus on three key areas that help to assess your organisation's commitment to putting things right when they go wrong:

Complaints upheld - We uphold complaints when we find fault in an organisation's actions, including where the organisation accepted fault before we investigated. We include the total number of investigations completed to provide important context for the statistic. This year, we also provide the number of upheld complaints per 100,000 population.

Compliance with recommendations - We recommend ways for organisations to put things right when faults have caused injustice and monitor their compliance with our recommendations. Failure to comply is rare and a compliance rate below 100% is a cause for concern.

Satisfactory remedy provided by the authority - In these cases, the organisation upheld the complaint and we agreed with how it offered to put things right. We encourage the early resolution of complaints and give credit to organisations that accept fault and find appropriate ways to put things right.

Finally, we compare the three key annual statistics for your organisation with similar authorities to provide an average marker of performance. We do this for County Councils, District Councils, Metropolitan Boroughs, Unitary Councils, and London Boroughs.

Your annual data, and a copy of this letter, will be uploaded to our interactive map, [Your council's performance](#), on 24 July 2024. This useful tool places all our data and information about councils in one place. You can find the detail of the decisions we have made about your Council, read the public reports we have issued, and view the service improvements your Council has agreed to make as a result of our investigations, as well as previous annual review letters.

Supporting complaint and service improvement

In February, following a period of consultation, we launched the [Complaint Handling Code](#) for councils, setting out a clear process for responding to complaints effectively and fairly. It is aligned with the Code issued to housing authorities and landlords by the Housing Ombudsman Service and we encourage you to adopt the Code without undue delay. Twenty councils have volunteered to take part in an implementation pilot over the next two years that will develop further guidance and best practice.

The Code is issued to councils under our powers to provide guidance about good administrative practice. We expect councils to carefully consider the Code when developing policies and procedures and will begin considering it as part of our processes from April 2026 at the earliest.

The Code is considered good practice for all organisations we investigate (except where there are statutory complaint handling processes in place), and we may decide to issue it as guidance to other organisations in future.

Our successful complaint handling training programme continues to develop with new modules in Adult Social Care and Children's Services complaint handling available soon. All our courses include practical interactive workshops that help participants develop their complaint handling skills. We delivered 126 online workshops during the year, reaching more than 1,700 people. To find out more visit www.lgo.org.uk/training or get in touch at training@lgo.org.uk.

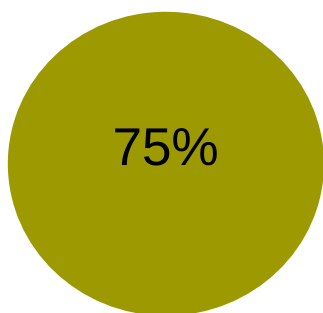
Returning to the theme of continuous improvement, we recognise the importance of reflecting on our own performance. With that in mind I encourage you to share your view of our organisation via this survey: <https://www.smartsurvey.co.uk/s/ombudsman/>. Your responses will help us to assess our impact and improve our offer to you. We want to gather a range of views and welcome multiple responses from organisations, so please do share the link with relevant colleagues.

Yours sincerely,



Amerdeep Somal
Local Government and Social Care Ombudsman
Chair, Commission for Local Administration in England

Complaints upheld



75% of complaints we investigated were upheld.

This compares to an average of **63%** in similar organisations.

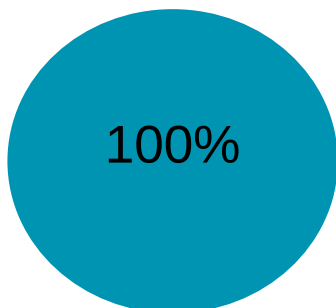
3
upheld decisions

This is 2.9 upheld decisions per 100,000 residents.

The average for authorities of this type is 1.2 upheld decisions per 100,000 residents.

Statistics are based on a total of **4** investigations for the period between 1 April 2023 to 31 March 2024

Compliance with Ombudsman recommendations



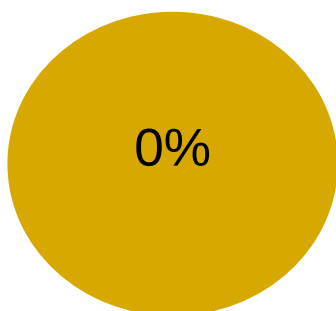
In **100%** of cases we were satisfied the organisation had successfully implemented our recommendations.

This compares to an average of **99%** in similar organisations.

Statistics are based on a total of **2** compliance outcomes for the period between 1 April 2023 to 31 March 2024

- Failure to comply with our recommendations is rare. An organisation with a compliance rate below 100% should scrutinise those complaints where it failed to comply and identify any learning.

Satisfactory remedy provided by the organisation



In **0%** of upheld cases we found the organisation had provided a satisfactory remedy before the complaint reached the Ombudsman.

This compares to an average of **21%** in similar organisations.

0
satisfactory remedy decisions

Statistics are based on a total of **3** upheld decisions for the period between 1 April 2023 to 31 March 2024

North East Derbyshire District Council

Standards Committee

15th October 2024

New sexual harassment legislation

Report of the Assistant Director of Governance and Monitoring Officer

Classification: This report is public

Report By: Sarah Sternberg, Assistant Director of Governance and Monitoring Officer

Contact Officer: Sarah Sternberg, Assistant Director of Governance and Monitoring Officer

PURPOSE / SUMMARY

To inform Members of the new legislation in relation to sexual harassment which comes into force in October 2024.

RECOMMENDATIONS

1. That Members note the new legislation on sexual application, note that employees have been and are being trained on the requirements and that it applies to third parties dealing with officers.

IMPLICATIONS

Finance and Risk: Yes ☐ No ☒

Details:

On Behalf of the Section 151 Officer

Legal (including Data Protection): Yes ☒ No ☐

Details:

As in the report

On Behalf of the Solicitor to the Council

Staffing: Yes ☒ No ☐

Details:

As in the report

On behalf of the Head of Paid Service

DECISION INFORMATION

Decision Information	
Is the decision a Key Decision? A Key Decision is an executive decision which has a significant impact on two or more District wards or which results in income or expenditure to the Council above the following thresholds: NEDDC: Revenue - £125,000 ☐ Capital - £310,000 ☐ ☒ <i>Please indicate which threshold applies</i>	No
Is the decision subject to Call-In? (Only Key Decisions are subject to Call-In)	No
District Wards Significantly Affected	None
Equality Impact Assessment (EIA) details:	
Stage 1 screening undertaken Completed EIA stage 1 to be appended if not required to do a stage 2	Not required as this is reporting new legislation.
Stage 2 full assessment undertaken Completed EIA stage 2 needs to be appended to the report	No, not applicable
Consultation: Leader / Deputy Leader ☐ Cabinet ☐ SMT ☐ Relevant Service Manager ☐ Members ☐ Public ☐ Other ☐	Yes Details: Chair of Standards Committee.

Links to Council Plan priorities;
• A great place to work • A great place to access good public services

REPORT DETAILS

1 **Background** *(reasons for bringing the report)*

- 1.1 New legislation comes into force in October 2024 in relation to sexual harassment. This builds on the existing anti-harassment legislation and guidance. The legislation is The Worker Protection (Amendment of Equality Act 2010) Act 2023. This places a duty on all employers to take reasonable steps to prevent sexual harassment of their employees in the workplace.
- 1.2 A guidance document has been produced for NEDDC employees and has been distributed. This explains what harassment is, what sexual harassment is and what bullying is. This is the Anti-Harassment and Anti Bullying Guidance and is attached in Appendix 1 to this report. Team Meetings are going through the new rules and employees are signing to say that they have received this training.
- 1.3 Sexual harassment can come from third parties. Councillors witnessing sexual harassment of employees should raise this with the Head of Paid Service and the HR and OD Manager. Councillors experiencing sexual harassment personally in their role as a councillor should raise this with the Monitoring Officer in the first instance.
- 1.4 In relation to sexual harassment this guidance gives the definition:
 - Conduct of a sexual nature that has the purpose or effect of violating someone's dignity or creating an intimidating, hostile, degrading, humiliating or offensive environment and
 - Less favourable treatment related to sex or gender reassignment that occurs because of a rejection of, or submission to, sexual conduct.

This is based on Section 26 of the Equality Act 2010, a copy of which is attached at Appendix 2.
- 1.4 the guidance also gives examples of the kinds of behaviour that can amount to sexual harassment. Office banter is included where such banter amounts to suggestive remarks or gender related insults.
- 1.5 Where an employer is found to have failed in their duty, an Employment Tribunal can make an exceptional award.

2. Details of Proposal or Information

- 2.1 This report is to inform Members of the legislative change and the potential for their involvement.

3 Reasons for Recommendation

- 3.1 To ensure Members are aware and know what to do in the event of being a witness or being subjected to such behaviour in the course of carrying out their responsibilities as Councillor.

4 Alternative Options and Reasons for Rejection

- 4.1 This is about awareness of legislative change and there is no alternative.

DOCUMENT INFORMATION

Appendix No	Title
1	Anti-Harassment and Anti Bullying Guidance
2	Section 26 of the Equality Act 2010
Background Papers (These are unpublished works which have been relied on to a material extent when preparing the report. They must be listed in the section below. If the report is going to Cabinet, you must provide copies of the background papers)	
None	

Anti-Harassment & Anti-Bullying Workplace Guidance

NEDDC

(August 2024)



**North East
Derbyshire**
District Council

NEDDC ANTI HARASSMENT AND ANTI BULLYING **WORKPLACE GUIDANCE**

Introduction

The Council believe that having a culture that is diverse, equitable and inclusive is core to everything the organisation strives to achieve and the workplace environment, the Council wish to protect.

One key to protecting our culture and our employees is seeking to eradicate bullying or harassment at work. This workplace guidance document details the Council's workplace expectations in respect of harassment and bullying together with how the Council will support those affected.

The workplace guidance complements and references the Council's:

- Equalities Policy
- Dispute Resolution and Grievance Procedure
- Disciplinary Policy
- Whistleblowing Policy and
- Code of Conduct

Scope

This workplace guidance applies to anyone working for us, including employees, workers, contractors, volunteers and apprentices. The guidance also relates to job applicants and is relevant to all stages of the employment relationship. The guidance also applies to bullying or harassment by third parties.

Our Commitment to You

The Council believe that a culture of equality, diversity and inclusion not only benefits our organisation but supports wellbeing and enables our employees to work better because they can be themselves and feel they belong within the organisation.

The Council are committed to promoting a working environment based on dignity, trust and respect, and one that is free from discrimination, harassment, bullying or victimisation.

A toxic workplace culture, where bullying or harassment is tolerated, is harmful to the wellbeing of the workforce as well as the wider organisation.

The Council adopt a zero-tolerance approach to instances of bullying or harassment.

What the Council expect from You

The Council expect you, and every one of our employees to take personal responsibility for observing, upholding, promoting and applying this workplace guidance. Whatever your job is, this is part of your role.

Any dealings, employees have with third parties, including customers, suppliers, contractors, agency staff and consultants, must be free from bullying discrimination, harassment or victimisation.

For more information on workplace behaviour, discrimination, bullying, harassment and victimisation, please refer to the Council's Equalities Policy, Dispute Resolution and Grievance Procedure, the Code of Conduct and the Disciplinary Policy.

If any of our employees are found to have committed, authorised or condoned an act of bullying or harassment the Council will take action against them (for those to whom it applies) under the Council's Disciplinary Policy.

There is no justifiable reason to bully or harass someone else. Even if you do not intend to bully or harass someone else, this does not legitimise your behaviour as it is the impact on the recipient that is important.

You should be aware that you can be personally liable for harassment.

If you experience bullying or harassment, the Council encourage you to speak up without delay and to ask for appropriate support. Details as to who you can speak to and report incidences to are included within this document and also within the Dispute Resolution and Grievance Procedure and the Disciplinary Policy.

Who is Protected From Harassment

The Equality Act 2010 prohibits discrimination because of certain protected characteristics. These are:

- disability;
- sex;
- gender reassignment;
- marital or civil partnership status;
- race;
- religion or belief;
- sexual orientation; and
- age

What is the approach at the Council

The Council consider harassment on any grounds to be unacceptable.

Meaning of Harassment

Harassment is unwanted conduct related to a protected characteristics that has the purpose or effect of:

- violating someone else's dignity; or
- creating an intimidating, hostile, degrading, humiliating or offensive environment for someone else.

Harassment can occur where someone perceives another person to have a protected characteristic.

Harassment can also arise by association, where someone is harassed because they are associated with someone with a protected characteristic.

Examples of Harassment

Harassment can occur in many forms and can take place either at work or outside work. While this is not an exhaustive list, examples include:

- "banter", jokes, taunts or insults that are sexist, racist, ageist, transphobic, homophobic or derogatory against any other protected characteristic.
- unwanted physical behaviour, for example, pushing or grabbing;
- excluding someone from a conversation or a social event or marginalising them from the group;
- derogatory comments about pregnancy, maternity leave or IVF treatment;
- mimicking or making fun of someone's disability;
- derogatory or offensive comments about religion;
- unwelcome comments about someone's appearance or the way they dress that is related to a protected characteristic;
- "outing" (ie revealing their sexual orientation against their wishes), or threatening to "out", someone;
- consistently using the wrong names and pronouns following the transition of a person's gender identity;
- displaying images that are racially offensive; and
- excluding or making derogatory comments about someone because of a perceived protected characteristic, or because they are associated with someone with a protected characteristic.

Meaning of Sexual Harassment

Harassment may be sexual in nature. The law defines sexual harassment as:

- conduct of a sexual nature that has the purpose or effect of violating someone's dignity, or creating an intimidating, hostile, degrading, humiliating or offensive environment; and
- less favourable treatment related to sex or gender reassignment that occurs because of a rejection of, or submission to, sexual conduct.

Examples of Sexual Harassment

Sexual harassment can occur in many forms. While this is not an exhaustive list, examples include:

- physical conduct of a sexual nature, unwelcome physical contact or intimidation;
- persistent suggestions to meet up socially after a person has made clear that they do not welcome such suggestions;

- showing or sending offensive or pornographic material by any means (eg by text, video clip, email or by posting on the internet or social media);
- unwelcome sexual advances, propositions, suggestive remarks, or gender-related insults;
- offensive comments about appearance or dress, innuendo or lewd comments;
- leering, whistling or making sexually suggestive gestures; and
- gossip and speculation about someone's sexual orientation or transgender status, including spreading malicious rumours.

Bullying

There is no legal definition of bullying. However, the Council regard it as conduct that is offensive, intimidating, malicious, insulting, or an abuse or misuse of power, and usually persistent, that has the effect of undermining, humiliating or injuring the recipient.

Bullying can be physical, verbal or non-verbal conduct. It is not necessarily face to face and can be done by email, phone calls, online (cyber-bullying) or on social media. Bullying may occur at work or outside work.

If the bullying relates to a person's protected characteristic, it may also constitute harassment and, therefore, will be unlawful.

Examples of Bullying

While this is not an exhaustive list, bullying may include:

- physical, verbal or psychological threats;
- excessive levels of supervision; and
- inappropriate and derogatory remarks about a person's performance.

It is important to understand that legitimate, reasonable and constructive criticism of a person's performance or behaviour, or reasonable instructions given to people in the course of their employment, will not of themselves amount to bullying.

Workplace Relationships

The Council aim to strike a balance between an employees' right to a private life and the organisation's right to protect its business interests. The Council wish to ensure that all employees behave in an appropriate, professional and responsible manner at work and personal relationships can potentially impact on this.

Employee's are expected to declare any relationship in confidence to their manager as soon as reasonably practicable where the relationship may give rise to a real or perceived conflict of interest, trust issue or breach of confidentiality. This includes a relationship with a Councillor or a third party such as a customer, contractor or supplier.

This is particularly important where the relationship is between a manager and one of their direct reports, because of the risk of the manager affording the employee more

favourable treatment or less favourable treatment if the relationship subsequently breaks down.

The Council will treat each case based on the circumstances and advise employees of workplace expectations which will be aligned to the Council's Code of Conduct, Contract of Employment and this workplace guidance document.

What to do if you are being Bullied or Harassed?

Informal Route

Bully/Harasser is a Colleague or Councillor

If you feel able to, you may decide to raise the issue with the individual themselves, to make clear that their behaviour is not welcome and to ask them to stop. They may not be aware that their behaviour is offending you. Please refer to the Council's Dispute Resolution and Grievance Procedure or Whistleblowing Policy.

Alternatively, if you do not feel up to speaking directly to the individual, you may consider asking for support

- your manager
- a colleague
- the HR Team
- your Trade Union Representative
- an NEDDC Safeguarding Link Officer

You may or may not want them to talk to the individual on your behalf and, where possible, the Council will respect your wishes. However, if the welfare or safety of you or others is at risk or where your allegations are particularly serious, the Council may have to approach the individual and instigate a formal investigation, under the Council's Disciplinary Policy or Dispute Resolution and Grievance Procedure. In such a case the Council will, where possible, discuss this with you first.

If you would prefer not to discuss the issue with anyone at work, help and support is also available through our employee assistance programme (EAP). You can use our EAP to speak to an independent adviser on a confidential basis about any issue that is troubling you.

To contact our Employee Assistance Programme, please telephone 0800 023 9324, this is available 24/7, 365 days a year or you can visit www.vivup.co.uk to register and access the extensive range of information on the website. If you are struggling to access the service, please contact Vivup Customer Services on 01252 784 540 or email customersupport@vivup.co.uk or contact the HR Team.

Bully/Harasser is a Third Party

If you are experiencing bullying or harassment by a third party, for example a client or a supplier, the Council encourage you to report this without delay so that they can advise and support you and decide on the best course of action. Please report this to either:

- your manager
- a colleague

- the HR Team
- your Trade Union Representative
- an NEDDC Council Safeguarding Link Officer

Formal Route

If you are not happy with the outcome of an informal process, or if you feel it is not appropriate to approach the issue informally, you may decide to raise it formally.

To make a formal complaint, please refer to the Council's Dispute Resolution and Grievance Procedure or Whistleblowing Policy.

The Council will investigate fully every formal complaint in an objective and confidential way, while also ensuring that the Council respect your rights as well as the rights of the alleged bully/harasser. Investigations will be undertaken in accordance with the Council's Dispute Resolution and Grievance Procedure and Disciplinary Policy.

The Council will use every effort to complete an investigation into bullying or harassment as quickly as possible.

Where the alleged bully/harasser is a third party, the Council may need to adjust the procedure followed to ensure the Council conducts the appropriate investigations.

Support For Those Affected or Involved

The Council understand that anyone affected by, or involved with, a complaint of bullying or harassment may feel anxious or upset and the Council will do everything reasonably possible to support you.

If you feel you cannot continue to work in close contact with the alleged bully/harasser, the Council will consider seriously any requested changes to your working arrangements during our investigation into the matter.

For emotional support, you can access free, confidential counselling from our EAP. To contact our Employee Assistance Programme, please telephone 0800 023 9324, this is available 24/7, 365 days a year or you can visit www.vivup.co.uk to register and access the extensive range of information on the website. If you are struggling to access the service, please contact Vivup Customer Services on 01252 784 540 or email customersupport@vivup.co.uk or contact the HR Team.

Anyone who complains or takes part in good faith in a bullying or harassment investigation must not suffer any form of detrimental treatment or victimisation. If you feel you have suffered such victimisation, please inform your line manager or the HR team as soon as possible.

Regardless of the outcome of your complaint, the Council will consider carefully how to best approach any ongoing working relationship between you and the individual concerned.

Sensitivity and Confidentiality

Anyone involved with an informal or formal complaint about bullying or harassment, including witnesses, must keep the matter strictly confidential and act with appropriate sensitivity to all parties.

If you are found to have breached confidentiality or acted without due care or sensitivity in a case of bullying or harassment, the Council may take disciplinary action, in accordance with the Disciplinary Policy or other appropriate action for non-employees.

Consequences of Breaching this Guidance

If, following an investigation, the Council find that you have committed, authorised or condoned an act of bullying or harassment, the Council will deal with the issue as a potential case of misconduct/gross misconduct, under the Disciplinary Policy or Whistleblowing Policy.

Training

All new starters must attend equality training as part of their Induction programme.

Every employee must attend regular equality training on at least a three yearly basis. The Council expect all employees to proactively support our equality and anti bullying and harassment initiatives by attending events and workshops to educate themselves on the challenges faced by others and how to help alleviate these in the workplace.

Record-keeping

The Council process personal data collected in relation to bullying or harassment complaints in accordance with the Council's data protection policy. In particular, data collected in relation to the investigation of bullying or harassment complaints is held securely and accessed by, and disclosed to, individuals only for the purposes of responding to the complaints and conducting an investigation, in line with the Council's Disciplinary Policy and Dispute Resolution and Grievance Procedure.

Monitoring and Review

The Council analyse data around allegations of bullying or harassment (in compliance with our data protection obligations) on an ongoing basis for example, to assess any particular risk areas.



Equality Act 2010

2010 CHAPTER 15

PART 2

EQUALITY: KEY CONCEPTS

CHAPTER 2

PROHIBITED CONDUCT

Other prohibited conduct

26 Harassment

- (1) A person (A) harasses another (B) if—
- (a) A engages in unwanted conduct related to a relevant protected characteristic, and
 - (b) the conduct has the purpose or effect of—
 - (i) violating B's dignity, or
 - (ii) creating an intimidating, hostile, degrading, humiliating or offensive environment for B.
- (2) A also harasses B if—
- (a) A engages in unwanted conduct of a sexual nature, and
 - (b) the conduct has the purpose or effect referred to in subsection (1)(b).
- (3) A also harasses B if—
- (a) A or another person engages in unwanted conduct of a sexual nature or that is related to gender reassignment or sex,
 - (b) the conduct has the purpose or effect referred to in subsection (1)(b), and
 - (c) because of B's rejection of or submission to the conduct, A treats B less favourably than A would treat B if B had not rejected or submitted to the conduct.

Changes to legislation: Equality Act 2010, Section 26 is up to date with all changes known to be in force on or before 30 September 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) [View outstanding changes](#)

- (4) In deciding whether conduct has the effect referred to in subsection (1)(b), each of the following must be taken into account—
- (a) the perception of B;
 - (b) the other circumstances of the case;
 - (c) whether it is reasonable for the conduct to have that effect.

- (5) The relevant protected characteristics are—

age;
disability;
gender reassignment;
race;
religion or belief;
sex;
sexual orientation.

North East Derbyshire District Council

Standards Committee

15th October 2024

Code of Practice on Good Governance for Local Authority Statutory Officers.

Report of the Assistant Director of Governance and Monitoring Officer

Classification: This report is public

Report By: Sarah Sternberg, Assistant Director of Governance and Monitoring Officer

Contact Officer: Sarah Sternberg, Assistant Director of Governance and Monitoring Officer

PURPOSE / SUMMARY

To inform Members of the Code of Practice on Good Governance for Local Authority Statutory Officers.

In June 2024 Solace, CIPFA and the LLG issued the Code of Practice on Good Governance for Local Authority Statutory Officers. This is the first time such guidance on these roles has been put together and is therefore a key document for Councils.

RECOMMENDATIONS

1. That the report is noted and the contents of the Code considered particularly in relation to the Constitution Review which is about to begin.

IMPLICATIONS

Finance and Risk: Yes ☐ No ☒

Details:

On Behalf of the Section 151 Officer

Legal (including Data Protection): Yes ☒ No ☐

Details:

As in the report

On Behalf of the Solicitor to the Council

Staffing: **Yes** ☒ **No** ☐

Details:

As in the report

On behalf of the Head of Paid Service

DECISION INFORMATION

Decision Information	
Is the decision a Key Decision? A Key Decision is an executive decision which has a significant impact on two or more District wards or which results in income or expenditure to the Council above the following thresholds: NEDDC: Revenue - £125,000 ☐ Capital - £310,000 ☐ ☒ <i>Please indicate which threshold applies</i>	No
Is the decision subject to Call-In? (Only Key Decisions are subject to Call-In)	No
District Wards Significantly Affected	None
Equality Impact Assessment (EIA) details:	
Stage 1 screening undertaken Completed EIA stage 1 to be appended if not required to do a stage 2	Not required as this is reporting a new Code.
Stage 2 full assessment undertaken Completed EIA stage 2 needs to be appended to the report	No, not applicable
Consultation: Leader / Deputy Leader ☐ Cabinet ☐ SMT ☐ Relevant Service Manager ☐ Members ☐ Public ☐ Other ☐	Yes Details: Chair of Standards Committee.

Links to Council Plan priorities;
• A great place to work • A great place to access good public services

REPORT DETAILS

1 **Background** *(reasons for bringing the report)*

1.1 Solace, CIPFA and LLG, the 3 organisations representing the three Statutory Officers have worked together to produce the Code of Practice on Good Governance for Local Authority Statutory Officers. This was issued in June this year but was somewhat buried as a result of the General Election and the change in Government.

1.2 As Members are aware there are 3 Statutory Officers the Council is obliged to appoint. These are the Head of Paid Service whose responsibilities relate to staffing and the overall management of the Council's business, the Section 151 Officer whose responsibilities are for the financial affairs of the Council and the Monitoring Officer whose responsibilities are legal compliance, the Constitution and the Members' ethical framework. All three officers should work together for the better governance of the Council and in the Code of Guidance are referred to as the golden triangle.

1.3 The Code is attached in Appendix 1.

1.4 The Code sets out the individual roles of the three officers in more detail and points out that:

- the Head of Paid Service and the Section 151 Officer may not also be the Monitoring Officer.
- That each must be provided with sufficient resources to carry out the roles.
- That there are employment protections in respect of the roles.

The Code sets out that in addition to adhering to the Nolan Principles (as do all employees and office holders including Councillors) there are greater expectations of the Statutory Officers. These are called the seven standards of the Golden Triangle and include understanding governance roles and responsibilities acting wisely etc.

1.4 The Code goes through each of these in relation to the Statutory Officers' roles in some detail. This includes the continuing theme of these three officers working together and the need for these three to flag up any governance issues as well as delivering advice that may not be welcome.

In this Council this happens naturally. The Statutory Officers meet regularly at Senior Management Team and in their own group "SOD" – Statutory Officers and Directors Group. Major issues before the Council are considered very carefully by the Statutory Officers and the relevant

professional officers in these meetings in order that appropriate advice can be given.

However, it is clear that where councils have had major issues, the breakdown of good governance has generally been a part of the cause.

- 1.5 Attached at Appendix 2 for Members' information is the Monitoring Officer Protocol model produced by LLG before the Code was developed. With these arrangements in place and the advent of the new Code, it is not considered necessary to produce something along these lines.

2. Details of Proposal or Information

- 2.1 This is for Members' information. It is for Members to consider whether this should be considered by Members more generally by way of a short version in a briefing note. In addition, it may be appropriate for consideration by Audit Committee.

3 Reasons for Recommendation

- 3.1 Members should be aware of the Code and the golden triangle.

4 Alternative Options and Reasons for Rejection

- 4.1 Not to report the Code. This was rejected because Members should be aware and it helps Members to monitor governance issues.

DOCUMENT INFORMATION

Appendix No	Title
1	LLG Draft Monitoring Officer Protocol
2	The Code of Practice on Good Governance for Local Authority Statutory Officers. This document is available here - Code-of-Practice-on-Good-Governance-for-Statutory-Officers-June-2024.pdf (solace.org.uk) If any members of the Committee would like a copy printed, please request a copy from the Governance Team.
Background Papers (These are unpublished works which have been relied on to a material extent when preparing the report. They must be listed in the section below. If the report is going to Cabinet, you must provide copies of the background papers)	
None	



MONITORING OFFICER PROTOCOL

This protocol has been produced according to the model, introduced following the recommendation of the former District Auditor Service, that guidelines be produced for the benefit of Members and Senior Officers on the role of the Monitoring Officer.

1. Introduction

This Protocol explains the role and functions of the Council's Monitoring Officer and the arrangements for ensuring this role is effectively carried out. It is based on the understanding that the ability of the Monitoring Officer to undertake this role effectively depends on excellent working relations with colleagues and Members and on the flow of information and access to debate particularly at early stages.

2. Functions

The specific functions of the Council's Monitoring Officer are detailed in [Article 12] of this Constitution. The chief responsibilities can be summarised as:-

- (a) a duty to report to the Council or executive in any case where the Monitoring Officer is of the opinion that any proposal or decision has given rise to or is likely to or would give rise to
 - (i) a contravention of any enactment or rule of law; or
 - (ii) maladministrationand these matters are referred to in this Protocol as "reportable incidents";
- (b) a range of functions relating to Members' conduct; and
- (c) as proper officer and for specific functions under the Council's Constitution.

3. Discharge of Functions

3.1 In order to ensure the effective undertaking of these duties, the Monitoring Officer will:-

- (a) have regular meetings with each of the Head of Paid Service and Chief Finance (S.151) Officer in order to review current and likely future issues with legal, constitutional or ethical implications.
- (b) maintain good liaison and working relations with the Head of Internal Audit and the external audit service.
- (c) ensure that the Council is kept up to date on new legislation and changes in the law which are relevant to the carrying out of the Council's activities. This will generally take the form of reports to Members and briefing notes to Chief Officers but where appropriate will involve training sessions for relevant Members and officers.

These activities will be carried out in consultation and conjunction with relevant Chief Officers.

3.2 In addition, Chief Officers will ensure that:-

- (a) The Monitoring Officer or their Senior Staff are consulted at an early stage on new policy proposals and on matters which have potentially significant legal implications. Where there is any doubt, the Chief Officer should always consult.
- (b) All draft reports to the Council and Committees should as a matter of routine be cleared with the Monitoring Officer or their senior staff.
- (c) The Monitoring Officer is informed of all emerging issues of concern of a legal, ethical or constitutional nature. Similarly, Members should ensure that the Monitoring Officer is routinely

informed and consulted in respect of new policy proposals. The Monitoring Officer will always seek to resolve any potential illegality by identifying alternative and legitimate means of achieving the objective of the purpose. (See also para. 3.5(a)).

- 3.3 Also, in cases where external lawyers are acting for the Council, it will be necessary for the Monitoring Officer to appoint a client officer from within Legal Services and to agree with the relevant Chief Officer arrangements for ensuring that vires and constitutional issues are satisfactorily addressed.
- 3.4 These working arrangements will mean that:
- (a) The Monitoring Officer will seek to resolve potential reportable incidents (as defined in para 2(a)) by avoiding the illegality, etc., or by identifying alternative and legitimate means of achieving the objective of the proposal. Accordingly, and given that Council officers and Members are encouraged to consult the Monitoring Officer in respect of any proposal, the Monitoring Officer will only need to make a public report on the matter if the proposal were to be a potential reportable incident and the officer or Member subsequently took any action to progress that proposal despite being advised to the contrary by the Monitoring Officer.
 - (b) Where the Monitoring Officer receives a complaint of a potential reportable incident, he/she must in appropriate cases seek to resolve the matter amicably, by securing that any illegality or failure of process is rectified. However, it is recognised that the Monitoring Officer may decide that the matter is of such importance that a statutory report is the only appropriate response.
 - (c) In appropriate cases, and to secure the rapid resolution of a potential reportable incident or avoid a separate statutory report, the Monitoring Officer will be entitled to add his/her written advice to the report of any other Council officer.
 - (d) Notwithstanding the above, the Monitoring Officer retains the right to make a statutory report where, after consultation with the Head of Paid Service and the S.151 Officer, when the Monitoring Officer is of the opinion that such is necessary in order to respond properly to a reportable incident.
- 3.5 In pursuance of his or her duties, and to assist in effective and efficient undertaking of these working arrangements, the Monitoring Officer will have the right:-
- (a) To receive advance notice of meetings, whether formal or informal between Chief Officers and Members of the Council or Committee Chairs where any procedural, vires or other constitutional issues are likely to arise, together with the right to attend such meetings.
 - (b) To receive advance notice of meetings of the Senior Leadership Team and the agenda and reports together with the right to attend and speak.
 - (c) To see all documents and information held by or on behalf of the Council, including documents and information held by any Council officer or Member. However, this right does not extend to documents and information held by or on behalf of any political party represented on the Council.
 - (d) To attend any meetings of officers or Members (or both), whether or not such meetings include any other persons. However, this right does not extend to any meetings held by or on behalf of any political party represented on the Council.
 - (e) To require any Council officer or Member, or any contractor to provide an explanation of any matter under investigation. (f) To report to the Council, and its Committees, including a right to present a written report and to attend and advise orally.
 - (g) To have access to the Chief Executive (Head of the Paid Service) and to the S.151 Officer.
 - (h) After consultation with the Chief Executive and the S.151 Officer, to notify the Police, the Council's Auditors and other regulatory agencies of concerns in respect of any matter and to provide them with information and documents in order to assist them with their statutory functions.

- (i) To obtain, at the Council's expense, legal advice, either internally or from an independent external solicitor, barrister or forensic consultant, on any matter which it is believed may be a reportable incident.

4. Conflicts

Where the Monitoring Officer is in receipt of a complaint or is aware of a potential reportable event relating to a matter upon which he/she has previously advised the Council, he/she must consult the Head of the Paid Service who may then either refer the matter to the Deputy Monitoring Officer for investigation and report back to the Head of the Paid Service or request a neighbouring authority to make their Monitoring Officer available to the Council to investigate the matter and report to the Head of the Paid Service and/or the Council as appropriate.

5. Insurance and indemnity arrangements

The S.151 Officer will ensure adequate insurance and indemnity arrangements are in place for the same to protect and safeguard the interests of the Council, and the proper discharge of the Monitoring Officer role.

6. Sanctions for breach of the Council's Codes of Conduct and this Protocol

Complaints relating to any breach of the Council's Code of Conduct for Members must be dealt with in accordance with the arrangements adopted by Council. Complaints relating to any breach of this Protocol by a Member may be referred to the relevant leader and/ or whip of the political party group and as a breach of the members Code of Conduct to the Standards Committee. Complaints relating to any breach of this Protocol by an officer may be referred for disciplinary action.

North East Derbyshire District Council

Standards Committee

15th October 2024

ANNUAL CONSTITUTION REVIEW

Report of the Assistant Director of Governance and Monitoring Officer

Classification: This report is public

Report By: Sarah Sternberg, Assistant Director of Governance and Monitoring Officer.

Contact Officer: Sarah Sternberg, Assistant Director of Governance and Monitoring Officer.

PURPOSE / SUMMARY

Each year the Standards Committee carries out a review of the Constitution and presents an updated version to the Council at the Annual Meeting in May. This report is to commence that process.

RECOMMENDATIONS

1. That Members consider what areas of the Constitution they wish to review and let the Monitoring Officer know before the next Standards Committee meeting so that they can be incorporated into the work plan.

IMPLICATIONS

Finance and Risk: Yes ☐ No ☒

Details:

On Behalf of the Section 151 Officer

Legal (including Data Protection): Yes ☒ No ☐

Details:

As in the report

On Behalf of the Solicitor to the Council

Staffing: Yes ☐ No ☒

Details:

On behalf of the Head of Paid Service

DECISION INFORMATION

Decision Information	
Is the decision a Key Decision? A Key Decision is an executive decision which has a significant impact on two or more District wards or which results in income or expenditure to the Council above the following thresholds: NEDDC: Revenue - £125,000 ☐ Capital - £310,000 ☐ ☒ <i>Please indicate which threshold applies</i>	No
Is the decision subject to Call-In? (Only Key Decisions are subject to Call-In)	No
District Wards Significantly Affected	None
Equality Impact Assessment (EIA) details:	
Stage 1 screening undertaken Completed EIA stage 1 to be appended if not required to do a stage 2	This is a discussion report and does not make recommendations as to change in any area.
Stage 2 full assessment undertaken Completed EIA stage 2 needs to be appended to the report	No, not applicable
Consultation: Leader / Deputy Leader ☐ Cabinet ☐ SMT ☐ Relevant Service Manager ☐ Members ☐ Public ☐ Other ☐	No – for the Committee to consider and there is no recommendation. Details:

Links to Council Plan priorities;

- **A great place that cares for the environment**
- **A great place to live well**
- **A great place to work**
- **A great place to access good public services**

A great place to access good public services – this report concerns the governance arrangements for the Council and their annual review.

REPORT DETAILS

1 Background *(reasons for bringing the report)*

- 1.1 Each year a review of the Council's Constitution is undertaken by the Standards Committee. In the past 2 years this has been an in depth review making some significant changes to the Constitution in some areas as well as keeping it up to date.
- 1.2 A review of the Constitution in terms of typographical errors, new legislation change in titles etc. has already been carried out. Further checks will be done to make sure that this is as thorough as possible.
- 1.3 In terms of further areas to review, it is suggested that a light touch review is carried out. Members suggestions as to which areas require such a review are sought.
- 1.4 In any event, there will be some areas brought forward by officers for Members consideration in future meetings.
- 1.5 The reviewed Constitution will be presented to Council at the Annual Meeting in May 2025.

2. Details of Proposal or Information

- 2.1 For Members to consider what areas of the Constitution they consider need a review and/or change and bring suggestions to the next meeting of the Standards Committee.

3 Reasons for Recommendation

- 3.1 Following 2 years of thorough review of the Constitution and significant changes being made, it is considered (subject to Members' view) not to be necessary to carry out an in depth review this year.
- 3.2 Members will identify any areas of concern that require review in addition to any proposed by officers.

4 Alternative Options and Reasons for Rejection

- 4.1 To carry out a full review of the constitution. This is considered unnecessary in view of the reviews carried out in the previous 2 years.

DOCUMENT INFORMATION

Appendix No	Title
None	
Background Papers (These are unpublished works which have been relied on to a material extent when preparing the report. They must be listed in the section below. If the report is going to Cabinet you must provide copies of the background papers)	
None	

North-East Derbyshire District Council

Standards Committee

15 October 2024

Complaint Update Report

Report of the Assistant Director of Governance and Monitoring Officer

Classification: This report is public.

Report By: Sarah Sternberg, Assistant Director of Governance and Monitoring Officer, Sarah.Sternberg@ne-derbyshire.gov.uk

Contact Officer: Lauren Spinks, Legal and Governance, Lauren.Spinks@ne-derbyshire.gov.uk

PURPOSE / SUMMARY

To provide Standards Committee with an update on the number of complaints that have been received and what action has been taken on these.

RECOMMENDATIONS

1. That the Standards Committee notes the complaints update.

IMPLICATIONS

Finance and Risk: Yes ☐ No ☒

Details:

On Behalf of the Section 151 Officer

Legal (including Data Protection): Yes ☐ No ☒

Details:

On Behalf of the Solicitor to the Council

Staffing: Yes ☐ No ☒

Details:

On behalf of the Head of Paid Service

DECISION INFORMATION

Decision Information	
Is the decision a Key Decision? A Key Decision is an executive decision which has a significant impact on two or more District wards or which results in income or expenditure to the Council above the following thresholds: NEDDC: Revenue - £125,000 ☐ Capital - £310,000 ☐ ☒ <i>Please indicate which threshold applies</i>	No
Is the decision subject to Call-In? (Only Key Decisions are subject to Call-In)	No
District Wards Significantly Affected	None
Equality Impact Assessment (EIA) details:	
Stage 1 screening undertaken Completed EIA stage 1 to be appended if not required to do a stage 2	
Stage 2 full assessment undertaken Completed EIA stage 2 needs to be appended to the report	No, not applicable
Consultation: Leader / Deputy Leader ☐ Cabinet / Executive ☐ SAMT ☐ Relevant Service Manager ☐ Members ☐ Public ☐ Other ☐	No Details: N/A

Links to Council Plan priorities, including Climate Change, Economic and Health implications
Click here to enter text.

REPORT DETAILS

1 **Background** (reasons for bringing the report)

- 1.1 Under Section 28 (6) and (7) of the Localism Act 2011, the Council must have in place “arrangements” under which allegations that a member or co-opted member of the Council or parish or town council within its area has failed to comply with that Authority’s Code of Conduct can be investigated and decisions made on such allegations.
- 1.2 The Council has adopted a Code of Conduct for Members. Each parish or town council is also required to adopt a Code of Conduct.

1.3 The Monitoring Officer is a senior officer of the Authority who has the statutory responsibility for administering the system in respect of complaints of member misconduct.

1.4 Standards Committee is to receive regular reports from the Monitoring Officer on the number of complaints against members, how they are progressing, what decisions have been made and what actions taken.

2. **Details of Proposal or Information**

2.1 Since the last update was brought to Committee in April 2023 there are currently a total of two ongoing complaints.

3 **Reasons for Recommendation**

3.1 Under the North East Derbyshire District Council's Constitution it is a function of the Standards Committee to receive regular update reports from the Monitoring Officer on the number of complaints received against members, how they are progressing, what decisions have been made and what actions taken.

4 **Alternative Options and Reasons for Rejection**

4.1 There are no alternative options to consider as part of this report.

DOCUMENT INFORMATION

Appendix No	Title
1	Complaint Update Report
Background Papers (These are unpublished works which have been relied on to a material extent when preparing the report. They must be listed in the section below. If the report is going to Cabinet you must provide copies of the background papers)	

NEDDC COMPLAINTS MADE AGAINST MEMBERS – QUARTERLY UPDATE

List of Cases which do not proceed to investigation

DATE OF RECEIPT	PART OF CODE OF CONDUCT ALLEGED TO HAVE BEEN BREACHED	NAME OF COUNCIL	WHETHER A POTENTIAL BREACH WAS FOUND	REASONS FOR DECISION
14/07/23 11/2023	Breached code of conduct 1.5 'I promote equalities and do not discriminate unlawfully against any person', by preventing the complainant from attending committee meetings under guise of concerns for her health. It is alleged that the complainant was discriminated against for her disability. It is alleged that derogatory behaviour was displayed towards the complainant on 2 occasions.	Wingerworth Parish Council	Currently with the Independent Person for review.	Currently with the Independent Person for review.
27/11/23 16/2023	It is alleged that false statements were made and information shared about one of the complainants in	Grassmoor, Hasland & Winsick Parish Council	No.	The complaints failed to clarify or evidence their concerns and in any event, the Cllr was not found to be acting in their

	relation to an incident that took place involving police intervention. It is alleged that a SAR request contained inaccurate information. It is alleged that confidential information was disclosed to others, that the complainants were prevented from accessing, that they believed they were entitled by law to access, and that reasonable care and diligence was not exercised when making decisions.			capacity as Cllr so there has been no breach of the Code of Conduct.
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Agenda Item 9

STANDARDS COMMITTEE 2024/25 – WORK PROGRAMME

Date	Agenda items
15 October 2024	• Annual Letter from the Local Government & Social Care Ombudsman • Sexual Harassment Legislation Update • Code of Practice for Local Authority Statutory Officers • Review of the Constitution • Complaints Update
13 November 2024	• Predetermination in Planning Application Decisions • Code of Corporate Governance • Review of the Constitution (if necessary)
5 March 2025	• RIPA Policy Annual Report • Whistleblowing Policy Review • Gifts and Hospitality Annual Report • Review of the Constitution (if necessary)
16 April 2025	• Annual report of Standards Committee • Annual report of the Independent Persons • Review of Members' Attendance at Training Events • Review of Members Complaints Process and Complaints Procedure • Standards Committee training proposals for District Councillors • Options for Parish Councillors Training