

# **Dumfries Town Board**

## **Code of Conduct and Complaints Procedure**

**October 2024**



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## 1.0 INTRODUCTION

The Dumfries Town Board has been established by Dumfries and Galloway Council at the direction of the UK Government to manage and deliver the Long-Term Plan and investment programme for Dumfries. The Town Board is an unconstituted body, but one that is required to act in public and to direct public funds. As such, *Members of the Town Board agree therefore to have regard to and be bound by the broad terms of the Model Code of Conduct for Members of Devolved Public Bodies as outlined in The Ethical Standards in Public Life (Scotland) Act 2000. This code of conduct should be read in conjunction with the Model Code and is intended as a short summary of the main aspects to be considered in the undertaking of duties by Board members.*

This document summarises the main conduct principles and the process for handling complaints.

## 2.0 PRINCIPLES

Members of the Town Board have a responsibility to make sure they are familiar with, and that their actions always comply with, the principles set out in the Model Code of Conduct:

- Service to the community (public service)
- Selflessness
- Integrity
- Objectivity
- Accountability and stewardship
- Openness
- Honesty
- Leadership
- Respect.

### 2.1 SERVICE TO THE COMMUNITY (PUBLIC SERVICE)

As a member of the Town Board you must at all times act within the law and in accordance with the Scheme for the Establishment of Town Boards (hereafter called “the Scheme”), as set out by DGC under the terms of the Local Government (Scotland) Act 1973. *You should never do anything when acting as a Town Board Member which you could not justify to the public.* Your conduct, and what the public believes about your conduct, will affect the Town Board’s reputation. At all times you should avoid any occasion for suspicion and any appearance of improper conduct. Always seek advice from the Chair, Secretariat, or your own legal adviser if unsure.

### 2.2 SELFLESSNESS

You must not use your position as a member of the Town Board to gain financial, material, political or other personal benefit for yourself, family or friends.

Whilst you should take into account the views of your local community and you

may be strongly influenced by the views of others, it is your responsibility to decide what view to take on any question to be considered by the Town Board particularly where a decision is to be taken.

## 2.3 INTEGRITY

You must not place yourself under any financial or other obligation to any individual or organisation that might be thought to influence you in your representation of your community. Non-financial interests can be just as important. Private and personal interests include those of your family and friends, as well as those arising through membership of/association with clubs, societies and other organisations.

You should not accept gifts or hospitality as they may be perceived as seeking to influence your opinion or judgement. The offer and/or receipt of any gifts, regardless of form, should always be reported to and noted by the Secretariat.

Whilst the law does not require you, as a Town Board member, to disclose your direct and indirect financial interests (including those of a partner with whom you are living) in any matter coming before the Board, nor prohibit you from speaking or voting on that matter, you should behave as if the law\* applying to Dumfries & Galloway Councillors applies to you. For guidance on declaration of interests, see Section 5 (pages 13-20) of the Standards Commission for Scotland's Councillors' Code of Conduct (hyperlink below). \* [www.standardscommissionscotland.org.uk/codes-of-conduct/councillors-code-of-conduct](http://www.standardscommissionscotland.org.uk/codes-of-conduct/councillors-code-of-conduct)

Where you have declared a private or personal interest, you should decide whether it is clear and substantial. If it is not, then you may continue to take part in the discussion of the matter and may vote on it. If it is a clear and substantial interest, then (except in the special circumstances described below) you should never take any further part in the proceedings and should always withdraw from the meeting whilst the matter is being considered. In deciding whether such an interest is clear and substantial, you should ask yourself whether members of the public and your fellow Board Members, knowing the facts of the situation, would reasonably think that you might be influenced by it.

In the following circumstances it may still be appropriate to speak, and in some cases to vote, in spite of the fact that you have declared such a clear and substantial private or personal interest. If your interest arises:

- in your capacity as a member of a public body, you may speak and vote on matters concerning that body (for this purpose a public body is one where, under the law governing declarations of financial interests, membership of the body would not represent an indirect financial interest);
- from being an ordinary member or supporter of such an organisation (and you

are not a member of its managing committee or other governing body), then you may speak and vote on any matter in which the organisation has an interest.

If you decide that you should speak or vote, despite a clear and substantial personal or private non-financial interest, you should declare at the meeting **before** the matter is considered that you have taken such a decision, and why.

You should always apply the principles about the disclosure of interests to your dealings with DGC Officers, and to your unofficial relations with other Board Members at, for example, informal occasions no less scrupulously than at formal meetings of the Board.

You, or some firm or body with which you are personally connected, may have professional business or personal interests within the Town Board's area. Such interests may be substantial and closely related to the Boards work.

You should not seek or accept, membership of the Town Board or any of its Sub Groups (if established) if that would involve you in disclosing an interest so often that you could be of little value to the Town Board, or if it would likely weaken public confidence in the duty of the Town Board to work solely in the general public interest.

You should not seek or accept the role of Chair of the Town Board if you or anybody with whom you are associated has a substantial financial interest in, or is closely related to, the business or affairs of the Town Board.

## **2.4 OBJECTIVITY**

In all your decisions and opinions as a Town Board member, you should endeavour to represent the overall views of your community, taking account of information which is provided to you or is publicly available, assessing its merit and gathering information as appropriate, whilst laying aside personal opinions or preferences.

## **2.5 ACCOUNTABILITY AND STEWARDSHIP**

You are accountable for the decisions and actions that you take through the Town Board. You must ensure that the Town Board uses its resources efficiently, effectively and fairly, strictly for Town Board business and in accordance with the law.

Town Board Members will individually and collectively ensure that the Board's business is conducted according to its published terms of reference and objectives.

Any breach of the Code may be reported to the Town Board to determine what action, if necessary, should be taken.

As a Town Board Member, you may receive information that has not yet been made public and is still confidential. You should never disclose divulge or use confidential information for the personal advantage of yourself or of anyone known to you, or to the disadvantage or discredit of the Town Board or anyone else.

## **2.6 OPENNESS**

Maintain transparency in your decisions, actions, and representations, and provide justifications where necessary. Ensure that your decisions are made independently and are not unduly influenced by external views or opinions. When interacting with the media, public, or external individuals, clearly distinguish between your personal views and those expressed on behalf of the Town Board. Town Board members should carefully consider any public comments or statements, including those made through social media, to ensure they align with the standards outlined in this Code of Conduct.

## **2.7 HONESTY**

You have a duty to act honestly. You should treat with extreme caution any offer or gift, favour or hospitality that is made to you personally. In most circumstances any gifts or offers of hospitality should be refused unless they are incidental to the business of the Board e.g., a modest working lunch may be a proper way of doing business, provided that they no extravagance is involved. Likewise, it may be reasonable for a member to represent the Town Board at a social function or event organised by outside persons or bodies.

There may be rules enabling you to claim expenses and allowances in connection with your duties and these rules must be scrupulously observed.

Ensure that any resources provided by the Town Board - such as transport, stationery, or administrative support - are used solely for official duties and not for personal purposes

## **2.7 LEADERSHIP**

You have a duty to promote and support the principles of this Code of Conduct by leadership and example, to maintain and strengthen the community's trust and confidence in the integrity of the Town Board and its members in representing the views and needs of the local area. You must also promote social inclusion and challenge discrimination in any form.

You should act to assist the Town Board, as far as possible, in the interest of the whole community that it serves. Where the concerns of particular interest groups are in conflict with those of other groups or other areas, you should help to ensure that the Town Board is aware of them.

## **2.8 RESPECT**

Treat fellow members, staff, and the public with courtesy and respect. Comply with the **Equality Act 2010** in all dealings. Recognition should be given to the

contribution of everyone participating in the work of the Town Board. You must comply with the Equality Act 2010 and ensure that equality of opportunity be given to every participant to have their knowledge, opinion, skills and experience taken into account.

You should ensure that confidential material, including details about individuals, is treated as such and that it is handled with dignity and discretion and is not used for personal, malicious or corrupt purposes.

## 3.0 COMPLAINTS PROCEDURE

### INTRODUCTION

This section of the Dumfries Town Board Code of Conduct gives guidance on how complaints about the Town Board and its Members or disputes between members of the Town Board may be dealt with. It does NOT apply to:

- Complaints that have been submitted more than 12 months after the complainant became aware of the matter they want to complain about.
- Complaints that are being dealt with by insurers.
- Complaints that are the subject of legal proceedings or statutory procedures.

### WHAT IS A COMPLAINT?

A complaint is an expression of dissatisfaction about the Town Board or individual Town Board member, which requires action to remedy, for example:

- Behaviour or conduct of a Town Board Member
- The absence of policies or procedures.
- Alleged discrimination, for example on the grounds of race, gender, disability, age, sexual or religious orientation.

If any doubt remains as to whether the complainant's dissatisfaction qualifies as a complaint, the complainant's wishes should be respected. If the complainant insists on making a complaint, then they should be allowed to do so and have their complaint investigated fairly in all respects.

**All complaints should be submitted to the Town Board's responsible person for complaints and responded to in writing (by e-mail or letter).**

After receiving a complaint, at all stages communication with the complainant should be by their preferred method: e-mail, letter or telephone. The Town Board Member who is the subject of a complaint will be invited to make representations at all stages of the process.

**All timescales are in working days i.e. Monday to Friday.** However, some complaints may take a longer period to sort out in which case timescales may be extended and the complainant advised.

### 3.1 STAGE 1: LOCAL RESOLUTION

A complaint expressing dissatisfaction about the Town Board or an individual Board Member should be made to the Town Board. Complaints wherever possible should always be made in writing (by letter or email). The Town Board's Secretariat would usually be the responsible person for dealing with complaints. If the complaint is about the responsible person for dealing with complaints, the complaint should be sent to another office bearer. If a complaint is raised with an elected Member (local Councillor) of Dumfries & Galloway Council (DGC) or an



officer of DGC, the complainant shall be advised to submit their complaint directly to the Town Board.

The Town Board should try to resolve any complaint quickly and informally where possible. If it is not possible for immediate resolution, the Town Board shall:

- Appoint an investigating officer and send a written acknowledgement of the complaint within a reasonable timeframe (normally no later than five working days)
- Where deemed appropriate, an investigative report will be prepared by the investigating officer and form the basis of any response made to the complainant. The reports must seek to be evidence based to allow the robust consideration of facts.
- Within **30 working days** of receipt of the complaint convene a Complaint's Panel comprising a chair and three members of the Board (excluding the Town Board Chair). This meeting will consider the investigating officer's findings. This meeting may be held in private, in compliance with the Scheme. This may require some Town Board members to be excluded due to conflict of interest e.g. being implicated in the complaint. The Panel can ask the respondent to attend and speak.
- Inform the complainant about the outcome in writing within **45 working days** from the date the complaint was received by the Town Board, advise whether the points of complaint were upheld, not upheld or partially upheld; and give advice on Stage 2 in the event the complainant is not satisfied with the outcome.
- In the event the timescales cannot be met, write to update the complainant regularly until the outcome of the complaint is available.

### **3.2 STAGE 2: APPEAL TO REVIEW PANEL**

If a complainant is not happy with the response of the Complaint's Panel to the complaint, they may request a referral to a Review Panel. A request for review must be made in writing to the Town Board **within 20 working days** from the date of the written response to the original complaint. The request for a review will be acknowledged in writing by the Town Board within **5 working days** from the date the request is received by the Town Board.

The Review Panel should involve a Chair (not necessarily but normally the Chair of the Town Board) and three Town Board Members not involved at Stage 1.

The Review Panel may seek to negotiate an alternative / acceptable resolution. Any outcome will be confirmed to the complainant and the Town Board within **35 working days** of the receipt of the request for review. The Review Panel will advise what further action, if any, may be taken in the event that either the complainant or the party subject of the complaint continues to be unhappy.

The Review Panel will make recommendations to the Town Board as to further action which may be taken e.g. in the event that complaints are considered vexatious then no further redress would be appropriate.

### **3.3 REMEDY & REDRESS**

When at any stage a complaint is found to be upheld the response will seek to provide an appropriate resolution. This may include:

- 3.3.1 an explanation and an apology;
- 3.3.2 a proposal to see an appropriate resolution;
- 3.3.3 advice on any changes to be made as a result of the complaint to avoid problems recurring in the future.

Sanctions of a Town Board Member (see below) may be considered at Stage 1 in cases of obvious misconduct, following appropriate checks and approvals before such action is taken.

The Review Panel at Stage 2 may impose sanctions as a result of the complaint and these sanctions may include:

- 3.3.4 Censure (an official rebuke or expression of disapproval) but otherwise taking no action against an individual member or a Town Board.
- 3.3.5 Suspension for a period not exceeding 6 months of entitlement of a member of a Town Board to act in such capacity.

The Review Panel at Stage 2 may recommend the removal of a Town Board Member as a result of the complaint. This decision would be taken at the next available meeting of the Town Board and decided by a majority of Town Board Members with voting rights.

A Town Board member who has sanctions applied to them can consider seeking their own independent advice as to steps open to them.

### **3.4 COMPLAINTS RELATING TO FINANCIAL IMPROPRIETY OR CRIMINAL ACTIVITY**

Any complaints to the Town Board alleging financial impropriety should be given careful consideration as to decide how to proceed and, if appropriate, DGC Economy and Infrastructure staff should be advised. Upon receipt of complaints making allegations of criminal activity the Town Board should consider whether to

involve the Police.

#### **4.0 SANCTIONS**

Failure to observe the Code of Conduct may lead to suspension or removal from the Board if felt appropriate by the Town Board. In these extreme circumstances the matter would be decided by a majority of Town Board Members with voting rights.