



SOUTHAMPTON CITY COUNCIL

STANDING ADVISORY COUNCIL ON RELIGIOUS EDUCATION

Proposed CONSTITUTION November 2023- November 2024/7

Definitions

Act	The Education Act 1996, as amended.
Advising Officers	Non-voting professionals invited to meetings by the Chair to provide information and advice.
Agreed Syllabus	The agreed syllabus for religious education adopted by Southampton City Council
ASC	Agreed Syllabus Conference as defined in paragraph 2.7.
Authority	Southampton City Council
Chair	the representative appointed pursuant to paragraph 6.1
Clerk	the person appointed by the Authority to discharge its obligations contained in paragraphs 4.5 and 4.9
Group A, Group B, Group C or Group D	shall mean the representative groups as described in paragraph 3.
Members	the individual representatives appointed by Groups A, B, C and D
NASACRE	National Association of Standing Advisory Councils for Religious Education
RE	Religious Education
SACRE	The Southampton City Council Standing Advisory Council for Religious Education
SACRE Adviser	The professional adviser appointed by the Authority and/or the Authority's School Improvement Officers.
Vice- Chair	the representative appointed pursuant to paragraph 6.1

1. CONSTITUTION

- 1.1 The Authority has a duty to establish a permanent body known as the Standing Advisory Council on Religious Education for Southampton in accordance with the Act.
- 1.2 The Authority has a duty to establish a permanent body known as the Standing Advisory Council on Religious Education for Southampton in accordance with the Act.
- 1.3 The Authority has a duty to establish an occasional body known as the ASC to review and Agreeed Syllabus in accordance with the Act.
- 1.4 The constitution's aim is to ensure that both SACRE and ASC operate efficiently, transparently and are fully accountable to the public.

2. FUNCTIONS & OBLIGATIONS

- 2.1 The main role of SACRE is to provide advice to the Authority upon such matters to support the effective provision of collective worship in maintained schools and the religious education in maintained and voluntary controlled schools to be taught in accordance with the Agreed Syllabus.
- 2.2 SACRE will also liaise with academy and free schools not required to teach the Agreed Syllabus, but a syllabus of their choosing, to provide an overview of matters connected with collective worship and religious education across maintained, academy and free schools in Southampton to support best practice identification and raise concerns if needed.
- 2.3 SACRE's statutory obligations as set out by the Act are:
 - 2.3.1 advise the Authority on matters connected with RE in accordance with the Agreed Syllabus (including but not limited to methods of teaching, choice of materials and provision of training for teachers) following a referral by the Authority or otherwise as SACRE sees fit;
 - 2.3.2 advise the Authority on collective worship in maintained schools;
 - 2.3.3 publish an annual report of its work which specifies:
 - 2.3.3.1 any matters on which the SACRE has advised the Authority;
 - 2.3.3.2 broadly describes the nature of that advice; and
 - 2.3.3.3 sets out its reasons for offering advice on any matters which were not initially referred to SACRE by the Authority.
 - 2.3.3.4 the details of any determinations made under paragraph 2.4 below.
 - 2.3.3.5 The annual report shall be agreed by Members at a meeting held in accordance with paragraph 4

- 2.3.3.6 the annual report shall be available for public inspection and a copy shall be sent to NASACRE, the relevant Government department and to any other organisations SACRE deems appropriate.
- 2.4 To determine any application from the head teacher of a maintained school following consultation with the governing body, for an amendment to the requirement that collective worship be wholly or mainly of a broadly Christian character pursuant to section 394 of the Act and review any determinations made by SACRE under section 394 of the Act on receipt of an application pursuant to section 395 of the Act.
- 2.5 To manage any complaints made to SACRE by members of the public regarding religious education or collective worship in accordance with the Authority's complaints process which is included at Appendix A.
- 2.6 To review the SACRE constitution every four years
- 2.7 At the request of the Authority to review the Agreed Syllabus every five years and to convene an ASC for this purpose.
- 2.8 To facilitate the effective operation of the SACRE in accordance with its constitution SACRE will respond as necessary to any further government guidance, legislation or new initiatives impacting upon the functions and obligations of SACRE.

3. MEMBERSHIP & COMPOSITION

3.1 Nominated Members

- 3.1.1 SACRE shall comprise members drawn from four groups, appointed by the Authority, as specified below:

GROUP A

One representative of each of the religions and other world views listed below:

Christian Denominations

The Roman Catholic Church	The Methodist Church
The Baptist Union	The United Reform Church
The Religious Society of Friends	The Assemblies of God
The Greek Orthodox Church	The Salvation Army
The Fellowship of Independent Evangelical Churches	
<i>Southampton City Mission</i>	

Religions other than Christianity



SOUTHAMPTON
CITY COUNCIL

Judaism

Islam

Hinduism

Sikhism

Buddhism

Baha'i

Other world views

South Hampshire Humanists

Appointed representative for people with non-religious affiliation or belief system not represented by any other membership group.

GROUP B

Four representatives of the Church of England nominated by the Diocese of Winchester.

GROUP C

Four teachers/ retired teachers representing associations recognised by the Authority for the purposes of consultation and negotiation with one representative per association.

National Education Union (NEU), National Association Schoolmasters and Union of Women Teachers (NASUWT), National Association of Head Teachers (NAHT), Association of School and College Leaders (ASCL).

GROUP D

Four representatives of the Authority, at least two of whom shall be elected members of the Authority.

- 3.1.2 Each faith or representative group within SACRE will be responsible for the method by which they elect their representatives for nomination for membership of SACRE.
- 3.1.3 Nomination of a Member will be formally endorsed by a majority group vote at the next SACRE meeting.
- 3.1.4 Each representative within a Group may nominate a standing substitute Member, subject to approval by the Authority, who shall attend meetings if the Member is unable to attend.
- 3.1.5 The Member shall ensure that any substitute members if fully informed of all issues before ASCRE so that they can contribute fully and knowledgeably to any meetings they are required to attend.

3.2 Co-opted Members

SACRE may co-opt additional representatives including:

3.2.1 such teachers as may be necessary to ensure adequate representation of teachers who are actively concerned with religious education; and

3.2.1.1 a representative in respect of the Academies and free schools operating in the City of Southampton which previously had Community or Voluntary status of SACRE. Academies are included (for non-voting purposes) as they are not technically represented by any other group and deliver part of the public sector curriculum (albeit with a different status to maintained schools) and effectively replace the old concept of Government Maintained schools. Foundation schools are not specifically included because they are effectively covered elsewhere as they are maintained schools (in common with Community and Voluntary schools) and are thus represented by other groups already present on the Committee.

3.3 Review of Membership

3.3.1 Membership of SACRE shall be reviewed annually by the Authority.

3.3.2 Members who fail to attend three consecutive meetings without satisfactory explanation will have their appointment reviewed by SACRE with any recommendations being given to the Authority

3.4 Term of Office and Re-appointment

3.4.1 Subject to the provisions of paragraph 3.4.3 below Members of the SACRE shall be appointed for a period of four years.

3.4.2 Co-opted and non-religious affiliate member shall be appointed for the period set by SACRE and may resign at any time or may be removed at any time by SACRE or the Authority.

3.4.3 A member of SACRE appointed by the Authority may be removed from membership by the Authority at any time if, in the opinion of the Authority, the person ceases to be representative of either the denomination, religious group, association or Academy which he/she was appointed to represent.

3.4.5 When appointed Members must declare any interests whether personal or prejudicial. It is the Members responsibility to update the record of interests as necessary.

3.4.6 Subject to paragraph 3.4.3 above members of the SACRE having served a full term are eligible for re-appointment.

3.5 Code of Conduct

Members will adhere to the local Code of Conduct for Authority Members included at Appendix B and are required to sign a declaration to this effect.

3.6 SACRE Advisers

The SACRE Adviser will be responsible for:

- 3.6.1 providing advice to SACRE and any sub-committees on professional issues.
- 3.6.2 advise and update Members on any new government guidance or policy documents.
- 3.6.3 supporting Members in their monitoring role
- 3.6.4 ensure that the review of the Agreed Syllabus is carried out within statutory timescales.
- 3.6.5 such other matters as shall be requested at the discretion of the Chair.

4. MEETINGS

- 4.1 SACRE shall meet at least once per academic term and no less than three times per academic year such meetings shall:
 - 4.1.1 operate to at timetable that mirrors the municipal year of the Authority.
 - 4.1.2 be at a time of day and at an appropriate location to allow full participation by Members.
 - 4.1.3 require at least one Member from Group A, Group B, Group C and Group D must be present for the meeting to be quorate.
 - 4.1.4 seek to operate on a consensual basis but if a consensus is not possible Members will be required to undertake a formal vote pursuant to paragraph 5 below.
 - 4.1.5 be open to the public unless, in the view of the nature of the business to be transacted or the nature of the proceedings, confidential information or information exempt from public disclosure would be disclosed.
 - 4.1.6 whether information is confidential or exempt shall be determined by the Authority's constitution for the time being in force.
- 4.2 Where a Member has a prejudicial interest that interest must be declared at the start of any meeting where a relevant matter falls to be considered by SACRE and that Member must withdraw from the meeting prior to any discussion of the relevant item and take no part in the vote on that item.
- 4.3 The agenda for meetings will be determined by the Chair and the SACRE Adviser
- 4.4 Members may request an item for the agenda supported by a written report to the Chair at least 10 working days prior to the meeting.
- 4.5 The agenda and reports will be circulated to Members at least five working days prior to the meeting.
- 4.6 Following a meeting draft minutes will be sent to the Chair and SACRE Advisers for agreement within 10 working days and once agreed will be circulated to Members.

- 4.7 The Chair of SACRE can invite Advising Officers to meetings for the purpose of providing information and professional expertise.
- 4.8 The Executive Director and Executive Member with responsibility for SACRE shall have a standing invitation to attend all SACRE meetings including sub-committees but are not Members and cannot vote.
- 4.9 The Authority shall provide the following meeting support to SACRE:
- 4.9.1 convene and co-ordinate meetings including arranging accommodation and provision a Clerk.
 - 4.9.2 copying, dispatch and circulation of paper.
 - 4.9.3 provision of advice and guidance on the Authority's procedures and other relevant local government procedures

5. VOTING

- 5.1 On any matter to be decided by SACRE, Groups A, B, C and D shall be entitled to vote.
- 5.2 Each group shall have a single vote.
- 5.3 Decisions within a group on how a vote is to be cast do not require unanimity.
- 5.4 Each group is to regulate its own proceedings including provision for resolving deadlock.
- 5.5 In the event of a tied vote the Chair will have the casting vote.

6. CHAIR & VICE-CHAIR

- 6.1 The Chair and Vice-Chair will be appointed by Members annually at the first meeting of the academic year and will continue for the municipal year or until the person appointed ceases to be a Member whichever is the sooner.
- 6.2 A Chair and Vice-Chair must be a Member and are eligible for re-appointment to the position of Chair or Vice-Chair once they have been a full voting member for two continuous municipal years.

7. DISPUTES

SACRE is intended to be a collaborative and cooperative body and must ensure that no Group or Member is unduly favoured. Disputes should be debated and resolved at SACRE meetings however if resolution is not possible the following process should be followed:

Stage 1: the parties in dispute meet with the Chair and the SACRE adviser who will act in a mediation capacity to assist in finding or recommending a solution. If stage is unsuccessful the dispute is referred to Stage 2.

Stage 2: a special meeting of SACRE is convened with a statement submitted by each party for consideration by the meeting. The Chair and SACRE advisor will submit a report advising on options for resolution. If the special meeting is unsuccessful then the dispute will be referred to Stage 3.

Stage 3: guidance and or clarification will be sought from the Department of Education or relevant Government department and reported to SACRE and the parties to the dispute for consideration.

8. AGREED SYLLABUS CONFERENCE

- 8.1 The Authority shall cause an ASC to be convened for the purpose of reviewing the Agreed Syllabus for the time being adopted by the Authority.
- 8.2 The Authority must convene an ASC at least every five years.
- 8.3 The ASC is a separate statutory body from SACRE but may include the same Members as SACRE together with any other suitably skilled advisers requested by the Authority to attend and advise the ASC on the Agreed Syllabus.

9. RELATIONSHIP OF SACRE WITH THE AUTHORITY

- 9.1 SACRE is independent of the Authority.
- 9.2 The Authority should consult with SACRE on any matters falling within its functions and obligations.
- 9.3 When reports and actions are required that need to be considered by the Authority they will be formally considered by the Cabinet or Cabinet Member or Officer acting under delegated powers.

10. FREEDOM OF INFORMATION

- 10.1 Requests for Information under the Freedom of Information Act 2000 will be handled in accordance with the Authority's published procedures for dealing with such requests.
- 10.2 Any Member of the SACRE receiving a request under the FOIA will be required to pass that request to Legal & Democratic Services within 24 hours of receipt of that request in order that Legal & Democratic Services may deal with the request on behalf of the SACRE within the 20 working day time limit.
 - 10.2.1 Where a request has been made for the disclosure of information covered by a qualified exemption under the Freedom of Information Act 2000 (or other relevant information), the Chair, Vice-Chair and SACRE adviser will be invited to attend a Public Interest Test Panel

("the Panel") meeting to consider the potential disclosure. If the Chair, Vice-Chair or SACRE adviser are unable to attend the meeting the request will be dealt with by the Panel at their discretion.

10.2.2 Where the Panel decides that the balance of interest is in favour of the disclosure of the information requested, Legal & Democratic Services will arrange for disclosure. Where the Panel decides that the balance is in favour of the non-disclosure of the information requested, the information requested will be withheld and Legal & Democratic Services will arrange for the reasons for the decision to be communicated in writing. Such decisions will be made after taking any appropriate legal advice in accordance with the Authority's published policies and procedures.

11. OVERVIEW AND SCRUTINY

The SACRE and its members will co-operate with any reasonable request by the Authority in respect of its overview and scrutiny functions under Section 21 Local Government Act 2000. Any requests for information or attendance of SACRE members at the relevant overview and scrutiny committee will be made as soon as possible and generally at least 10 days before the meeting.

Appendix A

Complaints Policy

Southampton City Council

Corporate Services and Adult Social Care

Customer Comments, Compliments and Complaints Policy



1. Introduction

We acknowledge that – despite our best intentions – things do sometimes go wrong. When this happens, we want to put things right. We want our customers to be satisfied with our services. We welcome hearing our customers' comments, compliments, and complaints to better understand how they view our services and to use these valuable opportunities to learn and improve for the future.

2. Aims

We aim to deliver comments, compliments and complaints provision that:

- Is simple for everyone to use and understand
- Is led and supported by the very top of the organisation
- Consistently ensures excellent service standards are delivered
- Fulfills the needs of our customers
- Encourages us to learn from customer feedback in order to improve
- Complies with the relevant legislation and council policy
- Focuses on fair, proportionate resolution at the earliest stage
- Works in an open-minded and impartial way

3. Comments and Compliments

We understand that customers may wish to share their experiences of using our services, express a concern, or tell us about services which they would like to receive. Sometimes, customers may want to tell us when we're doing something particularly well. Comments of this nature are welcome.

4. Service Requests

The complaints scheme is used when there has been some form of persistent service failure and the customer believes it to be the council's fault. We don't treat "requests for service" as complaints. For example, if a customer reports a pothole, tells us that a streetlight isn't working or that their bin has not been collected, we will arrange for the matter to be dealt with without fuss and in line with normal service delivery – there is no need to use the complaints process unless there is evidence of multiple or systemic service failure.

5. Definition of a Complaint

A complaint is: **“Any expression of dissatisfaction with our services”**

6. Complaints service standards

- We will apply the ***Customer Charter*** to all our dealings with complaints.
- We will protect personal information given to us in the course of a complaint.
- We will work to specific response targets and agree with the customer if we need more time to investigate and resolve the matter

Southampton City Council

Corporate Services and Adult Social Care

Customer Comments, Compliments and Complaints Policy



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Customer Comments, Compliments and Complaints Policy			
Version	3	Approved by	Complaints Resolution Manager
Date last amended	14/09/2018	Approval date	14/09/2018
Lead officer	Mark Naylor	Review date	17/01/2022
Contact	Complaints.review@southampton.gov.uk	Effective date	19/01/2021

- We will ensure that customers are informed of the options to request escalation to the next stage of the complaints process – or to the appropriate Ombudsman – if they remain dissatisfied following our response
- We will ensure that decisions are properly and promptly implemented

7. What the complaints scheme covers

The scheme will deal with any form of service dissatisfaction or maladministration.

Examples could include:

- Delay
- Incorrect action or failure to act
- Failure to follow procedures or the law
- Failure to provide information
- Inadequate record-keeping
- Failure to investigate
- Failure to reply
- Misleading or inaccurate statements
- Inadequate liaison
- Inadequate consultation
- Broken promises
- Behaviour of our staff (Separate HR policy exists for staff issues which may be more relevant dependent on complaint detail)
- Other issues causing unfairness

8. Where special arrangements apply

Sometimes there is a different, more appropriate procedure which must be used instead of the complaints procedure e.g. Appeals processes, Safeguarding procedures or Human Resources (HR) procedures.

If this applies we will advise the customer of the appropriate procedure.

Here are some examples:

- Complaints relating to the Council's Whistleblowing - Duty to Act or Health & Safety policies
- Refusal of a planning application, or the failure to make a decision within the given period - Appeals process
- The conduct of Councillors; these are dealt with according to the Members' Code of Conduct
- Some Children's Social care complaints - follows a statutory procedure.
- Schools admissions or exclusion - appeal process available
- Special Educational Needs (SEND) provision - appeal process available
- Freedom of Information or Data Protection Act matters

- Any other matters for which an alternative statutory or Constitutional appeals mechanism exists (including parking fines, Universal Credit claims etc.)
- Safeguarding procedures – proceedings under Safeguarding Adults procedures may warrant the Local Authority deferring consideration of some complaints or aspects of complaints
- The customer is seeking compensation through the Council's insurers
- The customer or Local Authority has started legal proceedings
- Complaints by an employee of the Local Authority about any matter relating to that employment
- Decisions made by Approved Mental Health Professional can be dealt with under the appeals procedure under the Mental Health Act

9. Direct Payments and Self-funded services

Complaints, which are about direct payments and individual budgets, are excluded from the procedures, once the service user has taken control of their care provision. There are procedures in place to appeal decisions.

This does not apply to complaints about the processes involved in the application e.g. assessment, allocation of funds, or the support available to enable people to manage the payments.

10. Treatment of other/concurrent procedures

Occasionally, a complaint may require us to start another procedure, such as an internal disciplinary procedure. In the interests of fairness, it may not be possible to provide a full response to the complaint until those proceedings have been completed. We will endeavour to keep complainants updated of the progress of their complaint, if this occurs.

11. Exclusions

The following issues **cannot** be dealt with under the Complaint procedure:

- The complaint is about services or matters which fall outside the control of the Council
- Complaint by another professional body or organisation
- Complaints which relate to contractual arrangements or other business arrangements made with the Local Authority
- Complaints where the subject matter has previously been investigated under these procedures or previous procedures prior to this one
- Any complaint which is being or has been investigated by the Local Government and Social Care Ombudsman or Housing Ombudsman
- Where a court has made, is making, or is about to make, a determination on the specifics of the complaint (please consult with the Complaints Resolution Manager and/or legal team)

12. Who Can Complain?

- Any person or organisation receiving or looking to receive a service from the Council or its contractors.
- Any person acting on behalf of an individual or group of individuals, provided they have written consent to do so; (this includes Members, MPs, Advice Agencies and other advocacy groups).

13. Help from someone else to make a complaint

A complainant may wish to involve someone else to help and support them through the process of making a complaint. Written signed consent **will** be required from the complainant. The complainant may wish to choose one of the following:

- Friend
- Relative
- Neighbour
- Independent Advocacy Service

14. Anonymous complaints

The Local Authority does not deal with anonymous complaints. However any anonymous complaints relating to vulnerable groups such as children, the elderly, and people with mental health or learning difficulties will be considered and investigated if there are safeguarding issues.

15. Access and Equalities

Customers may make a comment, compliment or complaint in the simplest way for them using any of the following contact methods:

- By using the form with a leaflet or factsheet
- By using the online forms found on the Council's website <http://www.southampton.gov.uk/council-democracy/have-your-say/comments-complaints/complaints.aspx>
- By letter
- By Telephone (written confirmation will be required)
- Email (complaints.review@southampton.gov.uk)
- In person

Please note: A complaint may be made to any member of staff, who will take the details and forward them to the involved service area manager.

16. Complaints involving multiple agencies

Customers may wish to make a complaint which straddles other organisations e.g. National Health Service or Mental Health Services. The Complaints Resolution Manager will liaise with colleagues within the other organisation to provide a

coordinated response.

17. Unreasonably Persistent and Vexatious Customer Behaviour

A copy of our policy can be viewed on our website:

http://www.southampton.gov.uk/policies/Vexatious-Behaviour-Policy_tcm63-361808.pdf

18. Time limit for initiating a complaint

You must make your complaint within 12 months of the disputed occurrence or incident. We will only investigate complaints relating to issues that are more than 12 months old at the discretion of the Complaints Resolution Manager. The complainant will need to explain why it was not possible for the complaint to be raised within the required 12 month period, for matters to be considered.

19. Reporting and Feedback

We produce an annual report which includes consistent information about the council's comments, compliments and complaints experience, which is published on the website.

20. Resolution and remedies

Where a complaint is found to be upheld, consideration will be given to the question of an appropriate remedy. Any remedy should be proportionate and, where possible, put the complainant back in the position they were in before the complained about occurrence.

Here are some examples of remedies which complainants might expect:

- apology
- explanation
- action taken that should have been taken previously
- reconsideration of a decision that was not taken properly
- improved procedures
- re-run procedures
- re-calculation of monetary amounts owed

21. Complaint Escalation

The initial investigation and response to a complaint is the responsibility of the Service Area responsible for the issue complained of. Where matters complained of cover more than one area, one manager will be responsible for collating individual responses to provide one Local Authority response to the complaint.

If the complainant receives their response from the service area complained of and remains dissatisfied, they may ask for an independent review. The escalation process will be contained on the resolution letter/communication.

The complainant will need to explain, in writing, the reasons for their dissatisfaction and why they are requesting a review. The Complaints Resolution Manager will review the stage 1 investigation with the service area manager. Where necessary, the Complaints Resolution Team will undertake the review.

Where the matter relates to Local Authority Housing and the complainant is a tenant, the complainant has the option to choose a review by the Tenant's Panel or by the Complaints Resolution Team.

The Tenants Panel operated by Southampton City Council is not a Designated Tenants Panel as defined by the Localism Act 2011.

There may be circumstances where the review process is dictated by the Complaints Resolution Team manager. Where this occurs the complainant will be informed of the reasons.

In the majority of cases the independent review will be undertaken by the Complaints Resolution Team (or if the complaint is about that team, by the Council's Head of Legal Partnerships or nominee.).

In some cases, where it can be shown to be an appropriate and reasonable method of resolving a complaint, the Complaints Resolution Manager may invite the parties to the complaint to participate in an informal mediation process as an alternative to or prior to consideration by the Complaints Resolution Team.

22. Further Escalation

Complainants have the right to contact the relevant Ombudsman if they remain dissatisfied once **both** stages of the complaints procedure have been exhausted. Contact details will be included in the formal stage two response/communication.

The Local Government and Social Care Ombudsman

PO Box 4771

Coventry

CV4 0EH

Telephone: **0300 061 0614**

Website: www.lgo.org.uk

Housing Ombudsman Service (for issues relating to Local Authority housing)

81 Aldwych

London

WC2B 4HN

Telephone: 0300 111 3000

Fax: 020 7831 1942

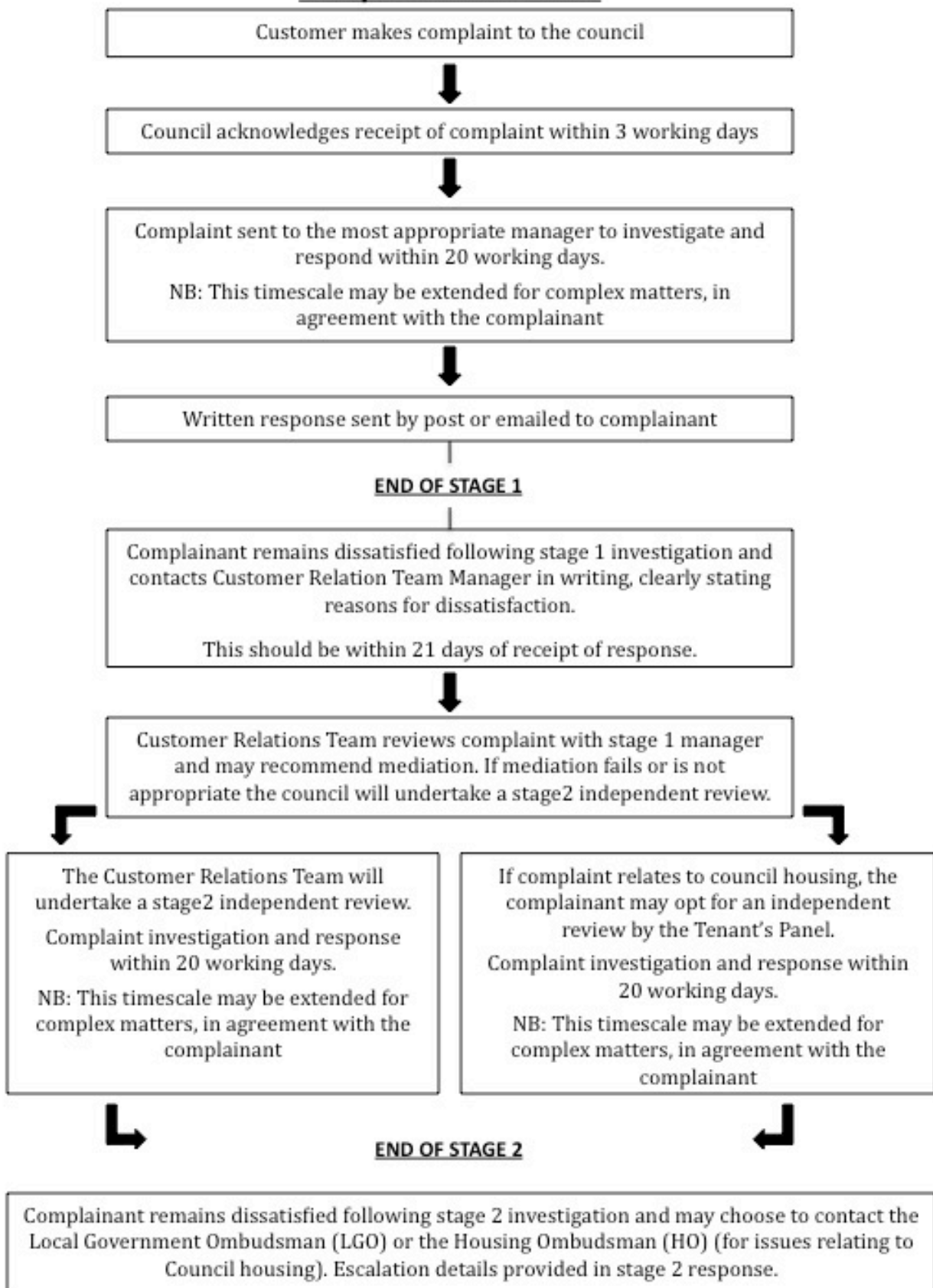
Email: info@housing-ombudsman.org.uk

Website: www.housing-ombudsman.org.uk

23. WITHDRAWING A COMPLAINT

A complaint may be withdrawn verbally (written confirmation will be requested) or in writing at any time by the complainant. The Local Authority will write to the complainant to confirm the withdrawal of the complaint. The Complaints Resolution Manager, together with the relevant Service Manager will consider whether or not the issues that gave rise to the complaint should be considered further through an internal management review. This work should then be used in the consideration of any need for subsequent actions in the services the Local Authority deliver.

Quick Guide to the Corporate and Adult Social Care Complaints Procedure



Appendix B

Code of Conduct



SOUTHAMPTON
CITY COUNCIL

Document

Last updated: 18-05-2023. From web page: [Council Constitution](#).

Council Constitution 12 Part 5 - Members' Code of Conduct

Part 1 - Introduction and Interpretation

Introduction

This Code applies to you as a member of this authority when you act in your role as a member and it is your responsibility to comply with the provisions of this Code.

As a member you are a representative of this authority and the public will view you as such, therefore, your actions impact on how the authority as a whole is viewed and your actions can have both positive and negative impacts on the authority.

This Code is based upon the “Nolan Principles – the seven principles of public life” which are set out in Appendix 1.

This Code does not cover matters in respect of which the Secretary of State under the Localism Act 2011 specifically provides that criminal sanction shall apply.

Interpretation

In this Code-

“**meeting**” means any meeting of:

- a. the authority
- b. the Executive of the authority
- c. any of the authority’s or its executives committees, sub-committees, joint committees, joint sub-committees, or area committees;

whether or not the press and public are excluded from the meeting in question by virtue of a resolution of members

“**member**” includes a co-opted member (voting and non-voting) and an appointed member.

Part 2 - Scope and General Obligations

1 - Scope

1. This Code applies to all members of Southampton City Council, including co-opted voting members,
2. It is your responsibility to comply with the provisions of this Code.
3. You must comply with this Code whenever you –
 - a. conduct the business of your authority, or

- b. act, claim to act or give the impression you are acting as a representative of your authority or in your official capacity as a member of the authority.
4. Where you act as a representative of your authority –
- a. on another relevant authority, you must, when acting for that other authority, comply with that other authority's Code of conduct: or
 - b. on any other body, you must, when acting for that other body, comply with your authority's Code of conduct, except and insofar as it conflicts with any other lawful obligations to which that other body may be subject.

2 - General Obligations

1. When acting in your role as a member of the authority –
- a. **do** treat others with respect;
 - b. **do not** conduct yourself in a manner which is contrary to the Council's duty to promote and maintain high standards of conduct of members;
 - c. **do** ensure that you are aware of and comply with the requirements which the Bribery Act 2010 places on you in your role as a Member and on the Council as a whole;
 - d. **do not** disclose information given to you in confidence by anyone, or information acquired by you which you believe, or ought reasonably to be aware, is of a confidential nature, except where—
 - i. you have the consent of a person authorised to give it;
 - ii. you are required by law to do so;
 - iii. the disclosure is made to a third party for the purpose of obtaining professional legal advice provided that the third party agrees not to disclose the information to any other person; or
 - iv. the disclosure is- (aa) reasonable and in the public interest; and (bb) made in good faith and in compliance with the reasonable requirements of the authority; and (cc) you have consulted the Monitoring Officer prior to its release.
 - e. **do not** prevent another person from gaining access to information to which that person is entitled by law;
2. When using or authorising the use by others of the resources of the authority -
- a. **do** act in accordance with the authority's reasonable requirements including the requirements of the authority's ITC policy and the policies listed at Appendix 2, copies of which have been provided to you and which you are deemed to have read;
 - b. **do** make sure that such resources are not used improperly for political purposes (including party political purposes): and
 - c. **do** have regard to any applicable Local Authority Code of Publicity made under the Local Government Act 1986.

Part 3 - Disclosable Pecuniary Interests (Localism Act 2011)

3 - Notification of disclosable pecuniary interests

1. Within 28 days of becoming a member or co-opted member, you must notify the Monitoring Officer of any 'disclosable pecuniary interests'.
2. A 'disclosable pecuniary interest' is an interest of yourself or your partner (which means spouse or civil partner, a person with whom you are living as husband or wife, or a person with whom you are living as if you are civil partners) within the description at Appendix 2.

4 - Register of Interests

Any interests notified to the Monitoring Officer will be included in the register of interests. A copy of the register will be available for public inspection and will be published on the authority's website.

5 - Sensitive interests

Where you consider that disclosure of the details of a disclosable pecuniary interest could lead to you, or a person connected with you, being subject to violence or intimidation, and the Monitoring Officer agrees, if the interest is entered on the register, copies of the register that are made available for inspection and any published version of the register will exclude details of the interest, but may state that you have a disclosable pecuniary interest, the details of which are withheld under Section 32(2) of the Localism Act 2011

6 - Non participation in case of disclosable pecuniary interest

1. If you are present at a meeting of the authority, or any committee, sub-committee, joint committee or joint sub-committee of the authority, and you have a disclosable pecuniary interest in any matter to be considered or being considered at the meeting-
 - a. you may not participate in any discussion of the matter at the meeting.
 - b. you may not participate in any vote taken on the matter at the meeting.
 - c. if the interest is not registered, you must disclose the interest to the meeting.
 - d. if the interest is not registered and is not the subject of a pending notification, you must notify the Monitoring Officer of the interest within 28 days.
2. In addition, Council Procedure Rules and Executive Procedure Rules require you to leave the room where the meeting is held while any discussion or voting takes place.
3. Where an executive member may discharge a function alone and becomes aware of a disclosable pecuniary interest in a matter being dealt with or to be dealt with by her/him, the executive member -
 - a. must notify the Monitoring Officer of the interest; and
 - b. must not take any steps or further steps in the matter.
4. Where you have a disclosable pecuniary interest in any business of your authority, you may attend that meeting but only for the purpose of making representations, answering questions or giving evidence relating to the business, provided that the public are also allowed to attend the meeting for the same purpose, whether under a statutory right or otherwise and you leave the room where the meeting is held immediately after making representations, answering questions or giving evidence.

7 - Dispensations

The authority may grant you a dispensation, but only in limited circumstances, to enable you to participate and vote on a matter in which you have a disclosable pecuniary interest.

8 - Offences

1. It is a criminal offence to-
 - a. fail to notify the Monitoring Officer of any disclosable pecuniary interest within 28 days of election;
 - b. fail to disclose a disclosable pecuniary interest at a meeting if it is not on the register;
 - c. fail to notify the Monitoring Officer within 28 days of a disclosable pecuniary interest that is not on the register that you have disclosed to a meeting;
 - d. Participate in any discussion or vote on a matter in which you have a disclosable pecuniary interest;
 - e. As an executive member discharging a function acting alone, and having a disclosable pecuniary interest in such a matter, failing to notify the Monitoring Officer within 28 days of the interest;
 - f. Knowingly or recklessly providing information that is false or misleading in notifying the Monitoring Officer of a disclosable pecuniary interest or in disclosing such interest to a meeting;
2. The criminal penalties available to a court are to impose a fine not exceeding level 5 on the standard scale and disqualification from being a councillor for up to 5 years.

Part 4 - Other Interests (Personal and Pecuniary)

9 - Notification of other interests

1. In addition to the disclosable pecuniary interests notifiable under the Localism Act 2011, you must, within 28 days of—
 - a. this Code being adopted by or applied to your authority; or
 - b. your election or appointment to office (where that is later),notify the Monitoring Officer in writing of the details of your other personal interests, where they fall within the following descriptions, for inclusion in the register of interests.
2. You have a personal interest in any business of your authority where either—
 - a. it relates to or is likely to affect—
 - i. any body of which you are a member or in a position of general control or management and to which you are appointed or nominated by your authority;

- ii. any body—
 - aa. exercising functions of a public nature;
 - bb. directed to charitable purposes; or
 - cc. one of whose principal purposes includes the influence of public opinion or policy (including any political party or trade union), of which you are a member or in a position of general control or management;
- 3. You must, within 28 days of becoming aware of any new interest or change to any interest registered under paragraph (1), or as a disclosable pecuniary interest notify the Monitoring Officer of the details of that new interest or change

10 - Disclosure of other interests

1. Subject to sub-paragraphs (2) to (5) below, where you have a personal interest described in paragraph 9 above or in paragraph (2) below in any business of your authority, and where you are aware or ought reasonably to be aware of the existence of the personal interest, and you attend a meeting of your authority at which the business is considered, you must—
 - a. disclose to that meeting the existence and nature of that interest at the commencement of that consideration, or when the interest becomes apparent.
2. (A) You have a personal interest in any business of your authority where a decision in relation to that business might reasonably be regarded as affecting your well-being or financial position or the well-being or financial position of a relevant person to a greater extent than the majority of other council tax payers, ratepayers or inhabitants of the electoral division or ward, as the case may be, affected by the decision;

(B) In sub-paragraph (2)(A), a relevant person is—
 - a. a member of your family or any person with whom you have a close association; or
 - b. any person or body who employs or has appointed such persons, any firm in which they are a partner, or any company of which they are directors;
 - c. any person or body in whom such persons have a beneficial interest in a class of securities exceeding the nominal value of £25,000; or
 - d. any body of a type described in paragraph 9(2)(a)(i) or (ii).
3. Where you have a personal interest in any business of your authority which relates to or is likely to affect a person described in paragraph 9(2)(a)(i) or 9(2)(a)(ii)(aa), you need only disclose to the meeting the existence and nature of that interest when you address the meeting on that business.
4. Where you have a personal interest but, by virtue of paragraph 12, sensitive information relating to it is not registered in your authority's register of members' interests, you must indicate to the meeting that you have a personal interest, but need not disclose the sensitive information to the meeting.
5. Where you have a personal interest in any business of your authority and you have made an executive decision in relation to that business, you must ensure that any written statement of that decision records the existence and nature of that interest.

11 - Register of interests

A Member shall enter in the authority's register of interests the receipt of any gift or hospitality, where the Member estimates the value to be at least £50, within 28 days of receipt.

Any interests notified to the Monitoring Officer will be included in the register of interests. A copy of the register will be available for public inspection and will be published on the authority's website.

12 - Sensitive interests

Where you consider that disclosure of the details an interest could lead to you, or a person connected with you, being subject to violence or intimidation, and the Monitoring Officer agrees, if the interest is entered on the register, copies of the register that are made available for inspection and any published version of the register will exclude details of the interest, but may state that you have an interest, the details of which are withheld.

13 - Non participation in case of pecuniary interest

1. Where you have a personal interest in any business of your authority you also have a pecuniary interest in that business where the interest is one which a member of the public with knowledge of the relevant facts would reasonably regard as so significant that it is likely to prejudice your judgement of the public interest and where that business—

- a. affects your financial position or the financial position of a person or body described in paragraph 10 ;or
 - b. relates to the determining of any approval, consent, licence, permission or registration in relation to you or any person or body described in paragraph 10.
2. Subject to paragraph (4) and (5) below, where you have a pecuniary interest in any business of your authority—
 - a. You may not participate in any discussion of the matter at the meeting.
 - b. You may not participate in any vote taken on the matter at the meeting.
 - c. If the interest is not registered, you must disclose the interest to the meeting.
 - d. If the interest is not registered and is not the subject of a pending notification, you must notify the Monitoring Officer of the interest within 28 days.
 3. In addition Council Procedure Rules and Executive Procedure Rules require you to leave the room where the meeting is held while any discussion or voting takes place.
 4. Where you have a pecuniary interest in any business of your authority, you may attend a meeting but only for the purpose of making representations, answering questions or giving evidence relating to the business, provided that the public are also allowed to attend the meeting for the same purpose, whether under a statutory right or otherwise and you leave the room where the meeting is held immediately after making representations, answering questions or giving evidence.
 5. Subject to you disclosing the interest at the meeting, you may attend a meeting and vote on a matter where you have a pecuniary interest that relates to the functions of your authority in respect of—
 - a. housing, where you are a tenant of your authority provided that those functions do not relate particularly to your tenancy or lease;
 - b. school meals or school transport and travelling expenses, where you are a parent or guardian of a child in full time education, or are a parent governor of a school, unless it relates particularly to the school which the child attends;
 - c. statutory sick pay under Part XI of the Social Security Contributions and Benefits Act 1992, where you are in receipt of, or are entitled to the receipt of, such pay;
 - d. an allowance, payment or indemnity given to members;
 - e. any ceremonial honour given to members; and
 - f. setting council tax or a precept under the Local Government Finance Act 1992.
 6. Where, as an executive member, you may discharge a function alone, and you become aware of a pecuniary interest in a matter being dealt with, or to be dealt with by you, you must notify the Monitoring Officer of the interest and must not take any steps or further steps in the matter, or seek improperly to influence a decision about the matter.

14 - Interests arising in relation to overview and scrutiny committees

1. In any business before an overview and scrutiny committee of your authority (or of a sub-committee of such a committee) where—
 - a. that business relates to a decision made (whether implemented or not) or action taken by the executive or another of your authority's committees, subcommittees, joint committees or joint sub-committees; and
 - b. at the time the decision was made or action was taken, you were a member of the executive, committee, sub-committee, joint committee or joint subcommittee mentioned in paragraph (a) and you were present when that decision was made or action was taken,

You may only attend a meeting of the overview and scrutiny committee for the purpose of answering questions or giving evidence relating to the business, and you must leave the room where the meeting is held immediately after making representations, answering questions or giving evidence.

15 - Pre-determination or bias

1. Where you have been involved in campaigning in your political role on an issue which does not impact on your personal and/or professional life you should not be prohibited from participating in a decision in your political role as member, however do not place yourself under any financial or other obligation to outside individuals or organisations that might seek to influence you in the performance of your official duties.
2. When making a decision, do consider the matter with an open mind and on the facts before the meeting at which the decision is to be taken.

16 - Compliance with Constitution, Rules, Standards and Guidance

Failure to comply with the requirements of the Council's Constitution or any Rule, Protocol, Corporate Standards or Guidance issued pursuant to the Constitution shall be deemed to be a breach of this Code. Rules, Protocols, Corporate Standards and Guidance shall include (but is not limited to) the documents listed in Appendix 3.

Appendices

Appendix 1: Nolan Principles - The Seven Principles of Public Life

Selflessness

Holders of public office should act solely in terms of the public interest. They should not do so in order to gain financial or other benefits for themselves, their family or their friends.

Integrity

Holders of public office should not place themselves under any financial or other obligation to outside individuals or organisations that might seek to influence them in the performance of their official duties.

Objectivity

In carrying out public business, including making public appointments, awarding contracts, or recommending individuals for rewards and benefits, holders of public office should make choices on merit.

Accountability

Holders of public office are accountable for their decisions and actions to the public and must submit themselves to whatever scrutiny is appropriate to their office.

Openness

Holders of public office should be as open as possible about all the decisions and actions that they take. They should give reasons for their decisions and restrict information only when the wider public interest clearly demands it.

Honesty

Holders of public office have a duty to declare any private interests relating to their public duties and to take steps to resolve any conflicts arising in a way that protects the public interest.

Leadership

Holders of public office should promote and support these principles by leadership and example.

Appendix 2 - Disclosable Pecuniary Interests Under The Localism Act 2011

Interest	Description
Employment, office, trade, profession or vocation	Any employment, office, trade, profession or vocation carried on for profit or gain
Sponsorship	<p>Any payment or provision of any other financial benefit (other than from the relevant authority) made or provided within the relevant period in respect of any expenses incurred by M in carrying out duties as a member, or towards the election expenses of M.</p> <p>This includes any payment or financial benefit from a trade union within the meaning of the Trade Union and Labour Relations (Consolidation) Act 1992.</p>
Contracts	<p>Any contract which is made between the relevant person (or a body in which the relevant person has a beneficial interest) and the relevant authority—</p> <ol style="list-style-type: none">under which goods or services are to be provided or works are to be executed; andwhich has not been fully discharged.
Land	Any beneficial interest in land which is within the area of the relevant authority.
Licences	Any licence (alone or jointly with others) to occupy land in the area of the relevant authority for a month or longer
Corporate tenancies	<p>Any tenancy where (to M's knowledge)—</p> <ol style="list-style-type: none">the landlord is the relevant authority; andthe tenant is a body in which the relevant person has a beneficial interest