

**Derbyshire County Council**  
**Equality Impact Analysis Record**

Service Area	Legal and Democratic Services
Service or function	Reviewing the process for determining complaints against elected members.

**Stage 1. Prioritising the analysis**

Why has the policy, practice, service or function been chosen?

The Equality Impact Analysis (EIA) was undertaken to establish what impact the proposed revision of the process for determining complaints against elected members may have. It evaluates if the proposals have a direct or indirectly negative impact on complainants within the nine protected groups identified under the Equality Act 2010. This will ensure that the County Council continues to comply with the requirements of the public sector equality duty.

What if any proposals have been made to alter the policy, service or function?

The process for determining complaints against elected members has been reviewed to ensure that this provides the most appropriate mechanism to undertake this effectively and fairly. The revisions to the current policy include by way of example confirmation that complainants would be supported in submitting a written application should they require assistance to do so in accordance with the Equality Act 2010.

The revised process includes a requirement that complaints should be submitted within six months of the action complained of and that the Monitoring Officer will normally reject a complaint where the last event complained of took place more than six months prior to the date of the complaint. The process does confirm that the Monitoring Officer will however consider any reason why there had been a delay in making the complaint. This may include the particular characteristics of the individual complainant.

The proposed revision to the process has been undertaken with reference to the Local Government Association Guidance on Complaint Handling issued on 21<sup>st</sup> September 2021.<sup>1</sup>

What is the purpose of the policy, practice, service or function?

The process provides a mechanism to enable people to complain if they consider that the conduct of an elected member has fallen below the standard required in accordance with the Derbyshire County Council Code of Conduct. The process details how such a complaint would be evaluated and if appropriate investigated.

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<sup>1</sup> <https://www.local.gov.uk/publications/guidance-member-model-code-conduct-complaints-handling>

**Stage 2. The scope of the analysis — what it covers**

The EIA assesses the impact to persons with the following nine protected characteristics as identified in the Equality Act 2010

- Age
- Disability
- Sex
- Sexual Orientation
- Race ( including colour, nationality, ethnic or national origin )
- Religion or belief
- Marriage and civil partnership
- Pregnancy and maternity
- Gender Reassignment

**Stage 3. Sources of data**

Source	Reason for using
<p>Statistical Data relating to the number of complaints made each year relating to elected members. This is included in the annual review of the Governance, Ethics and Standard Committee.</p> <p>The form which is currently submitted detailing complaints requires complainants to identify their gender, ethnicity and age – range and whether they consider if they have a disability. It does not request information relating to any other protected characteristic.</p>	<p>This information provides details of the number of complaints each year and therefore provides an indication of the number of persons who may be impacted each year by the revised policy.</p> <p>The 2018/19 Annual Report indicated that over the course of the year 2018 to 2019, 4 potential complaints against councillors were received. However, on undertaking preliminary enquiries, none of those complaints were upheld and 2 were considered to fall outside the remit of the Code of Conduct.</p> <p>The 2019/2020 Annual Report indicated that during the period from 21st June 2019 to 30th June 2020 three complaints were received.</p> <p>One complaint was received within the period 1st July 2020 to 31st December 2020 as recorded in the report the GES Committee on 4<sup>th</sup> March 2021.</p> <p>The majority of complainants identified as white British and male , not having a disability and aged over 25.</p> <p>The number of complaints is insufficient to attach statistical significance to the demographic information identified above.</p>

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**Stage 4. Analysing the impact or effects**

<b>Protected characteristic</b>	<b>Impact of proposed changes in the policy</b>
<ul style="list-style-type: none"> <li>• Age</li> </ul>	No adverse or positive impact can be identified in relation to the proposed revision of the policy.
<ul style="list-style-type: none"> <li>• Disability</li> </ul>	<p>The current policy requires complaints to be submitted in writing. This requirement remains but the process confirms that ‘the Council is committed to ensuring that its services are accessible to all and reasonable adjustments will be made to enable persons with protected characteristics to utilise this process.’ The revised process is therefore likely to have a positive impact in relation to those persons who may have found the completion of the form problematic. The complaints form currently indicates that reasonable adjustments will be made and support given but this is not currently included in the policy.</p> <p>The requirement to submit complaints within six months could potentially be detrimental to complainants with a disability. Such detriment is mitigated against by including a provision that the Monitoring Officer would consider any reason for the delay.</p>
<ul style="list-style-type: none"> <li>• Sex</li> </ul>	No adverse or positive impact can be identified in relation to the proposed revision of the policy.
<ul style="list-style-type: none"> <li>• Sexual Orientation</li> </ul>	No adverse or positive impact can be identified in relation to the proposed revision of the policy.
<ul style="list-style-type: none"> <li>• Race (including colour, nationality, ethnic or national origin )</li> </ul>	No adverse or positive impact can be identified in relation to the proposed revision of the policy.
<ul style="list-style-type: none"> <li>• Religion or belief</li> </ul>	No adverse or positive impact can be identified in relation to the proposed revision of the policy.
<ul style="list-style-type: none"> <li>• Marriage and civil partnership</li> </ul>	No adverse or positive impact can be identified in relation to the proposed revision of the policy.
<ul style="list-style-type: none"> <li>• Pregnancy and maternity</li> </ul>	No adverse or positive impact can be identified in relation to the proposed revision of the policy.
<ul style="list-style-type: none"> <li>• Gender Reassignment</li> </ul>	No adverse or positive impact can be identified in relation to the proposed revision of the policy.

### **Stage 5. Main conclusions**

Analysis of the above findings demonstrates that the proposed revisions to the process would not significantly disadvantage any of the protected groups.

Although there are gaps in the data, with no statistics for sexual orientation, race, religion, marriage and civil partnership, pregnancy and maternity or gender reassignment, it is not envisaged that there will be any adverse impact to complainants in these groups.

### **Stage 6. Ways of mitigating unlawful prohibited conduct or unwanted adverse impact, or to promote improved equality of opportunity and/or good relations.**

The process has been made more inclusive by ensuring that it is explicit within the policy and not just the complaint form that potential complainants would be assisted with the completion of the form if requiring assistance. It may also be helpful to revise the form to include all protected characteristics within the 'about you' section to ensure that the available information for future reviews is richer.