

WEST MIDLANDS FIRE AND RESCUE AUTHORITY

Standards Committee

7th September 2009

1. **POLICY ON THE HANDLING OF ANONYMOUS COMPLAINTS ABOUT MEMBER CONDUCT**

Report of the Monitoring Officer.

RECOMMENDED

THAT the Standards Committee approve the statement set out in Appendix 1 as representing the Authority's policy on how complaints received anonymously will be dealt with.

THAT the Initial Assessment of Standards Complaints Assessment and Review Criteria be amended to incorporate the policy set out in Appendix 1.

2. **PURPOSE OF REPORT**

2.1 The guidance issued by the Standards Board states that authorities should publish a statement setting out how complaints received anonymously will be dealt with. The purpose of the report is to seek approval to a policy on the handling of anonymous complaints about member conduct.

2.2 Anonymous complaints about member conduct may create problems in assessing or investigating the complaint. Such complaints may well raise both practical problems and issues of fairness. The Standards Committee is requested to approve the statement set out in Appendix 1 as representing the Authority's policy on how complaints received anonymously will be dealt with.

3. **BACKGROUND**

3.1 Anonymous complaints about member conduct raise practical problems and issues of fairness for the Standards Committee.

3.2 Where a complaint is anonymous it may create problems in assessing or investigating the complaint. If, for example a complaint involves allegations about the treatment of the

complainant by a member it may be difficult to put the allegation to the member concerned without either revealing the identity of the complainant or making it very difficult for the member to recall the relevant circumstances. However, the position would be different where the complainant was raising issues which did not directly involve any interaction between the complainant and the member and which could be assessed or investigated by reference to documentary or photographic evidence, for example, a complaint about the failure to declare interests.

- 3.3 The presumption must be that, in the interests of fairness, a member is entitled not only to know what allegations are being made against them but also the identity of the person making them. It could place a member at an unfair disadvantage if they were hampered in challenging the evidence of a complainant because they did not know the identity of the complainant and for example were unable to raise issues about why the complaint was being made and the credibility of the complainant. Anonymity might be misused by a complainant to conceal what would otherwise be readily identified as malicious, vexatious, politically motivated or tit-for-tat complaints. Similarly, it could make it difficult to investigate the complaint properly if there could be no contact between the investigator and the complainant.
- 3.4 However, in deciding whether an anonymous complaint should be referred for investigation or some other action it would be necessary to consider whether there was good reason for the complainant to remain anonymous. There may be circumstances where the complainant would have a reasonable concern that if their identity were revealed it could lead to adverse consequences for their health and safety or financial wellbeing. This would depend upon the seriousness of the allegations being made and whether the allegations themselves were of a nature which suggested potential adverse consequences for the complainant. Where the allegations were of a particularly serious or significant nature, the importance of referring them for investigation or some other action might outweigh the fact that they have been made on an anonymous basis. There may be circumstances where serious matters are more likely to be raised on an anonymous basis.
- 3.5 Factors which might outweigh the presumption that a member is entitled to know the identity of the person making a complaint and allow the complaint to be referred for investigation or some other action have now been set out in the attached policy at Appendix 1. The policy takes into account some of the practical problems and

issues that have been raised in this report to ensure that a balance lies in the particular circumstances of each complaint.

4. **EQUALITY IMPACT ASSESSMENT**

- 4.1 In preparing this report an initial Equality Impact Assessment is not required and has not been carried out.

5. **LEGAL IMPLICATIONS**

- 5.1 The Local Government and Public Involvement in Health Act 2007 and the Standards Committee (England) Regulations 2008 have brought in legislative changes to the ethical framework as initially established by the Local Government Act 2000. The framework is now devolved to the local level to a large extent with the Standards Committee and its Sub-Committees leading the policy and case work respectively.

6. **FINANCIAL IMPLICATIONS**

- 6.1 No resource implications are likely to arise from the recommendation.

N SHARMA
MONITORING OFFICER