

Process for Managing Standards Complaints under the Localism Act 2011

Key:

C Complainant

IO Investigating Officer

IP Independent Person

MO Monitoring Officer

SM Subject Member

Note: The Monitoring Officer reserves the right, at any stage in the process, to seek to consult with “relevant parties” on any aspect of a complaint, or on any proposed course of action in relation to a complaint. For this purpose relevant parties may include amongst others:

- The Leaders of the Political Groups
- A representative of the Police or other relevant regulatory body

Stages in the Process

1. Written complaint received by the MO.
2. The MO will send a written acknowledgement of the complaint to the C and the SM, which will explain the process involved and confirm any relevant timeframes.
3. The MO will review the complaint, in consultation with the IP if the MO considers this appropriate, to determine whether it can be dealt with (in the first instance at least) via local resolution, or whether a formal investigation is required.

(Note: If any criminal conduct or breach of other regulation is identified the MO may refer the matter to the Police or other regulatory agency. The MO will, at the same time, continue to undertake any separate course of action on behalf of the Authority in relation to the complaint, as deemed appropriate and where necessary in consultation with the IP (if the MO considers such consultation appropriate), with a view to maintaining high standards of Member conduct).

4. Having reviewed the complaint the MO will notify the C and SM in writing of how he/she intends to proceed with the complaint and the reasons for the decision.

Local Resolution

5. If the MO attempts to deal with the complaint under local resolution he/she will liaise with the relevant parties to seek to agree a way forward.
6. If the SM accepts that his/her conduct was unacceptable and offers an apology, and/or if other remedial action is offered/undertaken by either the SM or the Authority, the MO will notify the C of any reasonable terms offered by either the SM and/or the Authority.
7. If the C accepts the terms offered the MO will write to all parties detailing the outcome and the matter will be closed.
8. If the C does not accept the terms offered the MO will determine, in consultation with the IP (if the MO considers such consultation appropriate), whether the complaint merits a formal investigation.
9. The MO will write to the relevant parties detailing his/her decision and the reasons for the decision and the matter will either be closed or a formal investigation will take place.

Formal Investigation

10. If (at stages 3 or 8) the MO determines that a formal investigation is necessary the MO will appoint an IO.
11. The IO will conduct the investigation and in doing so will liaise with any relevant parties, as appropriate.
12. The IO will produce a draft report detailing his/her findings and will send a copy of the report to the C and SM for comment.
13. Following comments from the C and/or the SM the IO will finalise his/her report and will send a copy of the final report to the MO.
14. The MO will review the IO's report and, depending on the IO's findings and the reasons for those findings, will determine the next course of action.

Available Options following Formal Investigation

15. If the IO finds that there is no evidence of any failure by the SM to comply with the Code of Conduct and the MO is satisfied with the IO's findings, the MO will, following consultation with the IP, write to the C and SM enclosing a copy of the final report and confirming that he/she is satisfied that no further action is required. The matter will then be closed.
16. If the IO finds that there is evidence of failure by the SM to comply with the Code of Conduct and the MO is satisfied with the IO's findings, the MO will determine, in consultation with the IP and depending on the seriousness of the failure in question, whether to send the matter for a local hearing or to seek to resolve the matter via local resolution.
17. If the MO attempts to conclude the matter via local resolution he/she will liaise with the relevant parties to seek to agree a fair resolution, with a view to ensuring higher standards of conduct by the SM in the future.
18. If a fair resolution is agreed and the SM complies with the suggested resolution no further action will be taken and the matter will then be closed.
19. If (at stage 17) the C tells the MO that any suggested resolution is not adequate, or if the SM is not prepared to undertake any proposed remedial action, the MO will refer the matter for a local hearing.

Local Hearing

20. The hearing will take place in accordance with the published procedure and a formal written decision of the Hearing Sub-Committee will follow as soon as reasonably practicable after the hearing.

Additional Notes

21. The Authority can, by resolution, amend these arrangements and can delegate to the Chairman of the Hearings Sub-Committee the right to depart from these arrangements where the Chairman considers it is expedient to do so in order to secure effective and fair consideration of a matter before the Hearing Sub-Committee.

22. There is no right of appeal for either the C or SM against a decision of either the Monitoring Officer or of the Hearings Sub-Committee.