

STANDARDS COMPLAINTS PROCEDURE NOTE

1. Introduction

This note sets out the procedure to be followed upon receipt by the Monitoring Officer of a complaint under the Council's Code of Conduct for Members or the Code of Conduct for a parish/town council within the Council's administrative area.

2. Outline Procedure

2.1 The Monitoring Officer receives the complaint, acknowledges receipt and advises the councillor concerned that a complaint has been received. A copy of the complaint is provided to the councillor concerned unless there are extenuating circumstances.

2.2 If the complaint concerns a councillor's conduct in their private capacity then the Monitoring Officer rejects the complaint and notifies the complainant and councillor.

2.3 If the alleged conduct could be covered by the Code of Conduct, the Monitoring Officer secures a copy of the relevant Council's Code of Conduct (if not already obtained) & assesses the complaint against [criteria](#) adopted by the Standards Committee.

2.4 The Monitoring Officer consults with an appointed 'independent person' from the county wide pool of independent persons and decides:-

- (1) No action is needed, *or*
- (2) To refer the complaint to the Political Group Leader/s for steps to be taken to resolve the complaint, *or*
- (3) To undertake local resolution at the discretion of the Monitoring Officer, *or*
- (4) To investigate the complaint

2.5 The councillor who is the subject of the complaint may consult the 'independent person' to secure their views on the allegation.

3. No action

3.1 The Monitoring Officer informs the complainant and councillor that no action is required and the reasons for the decision. The complaint is closed.

4. Referral to Political Group Leader

4.1 The Monitoring Officer provides details of the complaint to the Political Group Leader and relays the steps to be taken as agreed with the 'independent person'. Agrees the timescale for both the requested action and for a report back to be made.

4.2. The Leader confirms action has been taken as agreed. The complainant and councillor are informed that the complaint is closed.

4.3 If the Leader does not:

- (i) take the requested action, *or*
- (ii) report back to the Monitoring Officer within the agreed timescale, *or*
- (iii) the councillor does not fully co-operate with the Leader,

the Monitoring Officer re-consults the 'independent person' to consider local resolution or investigation. In exceptional circumstances, an extension of time may be provided. The Monitoring Officer informs the complainant and councillor of the decision taken.

5. Local resolution

5.1 This can take any form as agreed with the 'independent persons'. Examples include the issue of an apology by the councillor, the provision of training, conciliation or mediation.

5.2 The Monitoring Officer informs the complainant and councillor of the action required to close the complaint and the timescale in which the action must be taken.

5.3 If the requested action is taken within the prescribed timescale, the complaint is closed and the Monitoring Officer provides written confirmation to the complainant and councillor.

5.4 If the councillor does not take the requested action within the prescribed timescale, the Monitoring Officer re-consults the 'independent person' to consider local resolution or investigation. In exceptional circumstances, an extension of time may be provided to secure compliance. The Monitoring Officer informs the complainant and councillor of the decision taken.

5.5 If the form of local resolution requires the co-operation of the complainant (e.g. mediation) and the complainant declines to co-operate within a prescribed period, then the Monitoring Officer may close the complaint following further consultation with the 'independent person'.

6. Investigation

- 6.1 The Monitoring Officer offers the councillor opportunity to respond to the complaint within a specified period of time.
- 6.2 The Monitoring Officer secures copies of any supporting information as he/she considers appropriate. The Monitoring Officer arranges for the interview of the complainant, the councillor and any witnesses as he/she considers is necessary and proportionate.
- 6.3 The information bundle is submitted to the 'independent person' for consideration. The 'independent person' is invited on each complaint to identify whether he/she considers that the alleged conduct amounts to a breach of the relevant Council's Code of Conduct.
- 6.4 If the 'independent person' finds that there is no breach of the Code of Conduct, the complaint is closed. The Monitoring Officer informs the complainant and the councillor of the decision with reasons.
- 6.5 If the 'independent person' finds that there is a breach of the Code of Conduct, the 'independent person' is invited to recommend the action that should be taken if their finding is upheld. The Monitoring Officer reports the complaint and finding to the designated committee for determination (and sanction, if appropriate). The consideration by the Committee takes place on the written material only.
- 6.6. The Monitoring Officer informs the complainant and the councillor of the Committee's decision with reasons. The complaint is closed.

N.B. There is no right of appeal against any stage of the process.