

STANDARDS COMMITTEE

24 FEBRUARY 2015

*PART 1 – PUBLIC DOCUMENT

AGENDA ITEM No.

6

TITLE OF REPORT: PROPOSED MINOR REVISIONS TO THE COMPLAINTS PROCEDURE

REPORT OF THE ACTING MONITORING OFFICER

1. SUMMARY

- 1.1 The report seeks the views of Members of the Committee on proposed minor amendments to the complaints handling procedures.

2. RECOMMENDATIONS

- 2.1 The Standards Committee is asked to comment on the proposed minor revisions to the complaints handling procedure, to inform the Monitoring Officer's update to the procedures.

3. REASONS FOR RECOMMENDATIONS

- 3.1 To ensure good governance within the Council.

4. ALTERNATIVE OPTIONS CONSIDERED

- 4.1 None. The proposed approach reflects discussions with the Independent Person (IP), Reserve Independent Person (Res IP) and Chairman of the Standards Committee.

5. CONSULTATION WITH EXTERNAL ORGANISATIONS AND WARD MEMBERS

- 5.1 As stated at paragraph 4.1 above the proposals follow consultation with the IP, Res IP and Chairman of the Standards Committee. The February 2014 meeting of the Standards Committee also discussed the reasons for the review.

6. FORWARD PLAN

- 6.1 This report does not contain a recommendation on a key decision and has not been referred to in the Forward Plan.

7. BACKGROUND

- 7.1 The complaints procedures were adopted by Full Council on 12 July 2012. The resolutions of Full Council included:

RESOLVED:

(16) That the Monitoring Officer, in consultation with the Independent Person, be delegated authority to make minor amendments to the Complaints Procedure Arrangements and Complaints Procedure Flowchart.

- 7.2 When the Code of Conduct was reviewed in 2013 the complaints procedures were not subject of a substantive review. The Standards Committee meeting on 25 February 2014 discussed the procedures and agreed:

RESOLVED:

(1) That the report and presentation be noted;

(2) That the Monitoring Officer's intention to review the Role Description for the Independent Persons be noted;

(3) That the Monitoring Officer, in consultation with the Independent Person and Chairman of the Standards Committee, review all documentation regarding complaints, particularly to address any anomalies and the involvement of the Independent Person in the appeals process; and

(4) That the resulting Role Description and other documentation, as mentioned in (2) and (3) above, be presented to a future meeting of this Committee.

REASON FOR DECISION: *To ensure good governance within the Council.*

- 7.3 At the meeting on 22 July 2014 the Standards Committee was updated that the review work had commenced with an initial meeting between the Monitoring Officer, Chairman of the Standards Committee and Independent Persons. This was to be followed by a further meeting, and it was intended that the outcome would be reported to the Committee at its next meeting on 14 October 2014.

8. ISSUES

Independent Person Role Description

- 8.1 It is proposed to amend the IP Role Description, as shown in track changes at Appendix A. The changes are proposed in order to emphasise the wider role the IP can play in promoting standards and to better explain the stages in the complaints process that the IP can provide input to.

Complaints Procedure

- 8.2 Further to the review of the IP Role Description some minor amendments are proposed to the Complaints Procedure, as shown in track changes at Appendix B. The amendments are intended to clarify the role of the Independent Person and Reserve Independent Persons and propose to append the amended IP Role Description to the procedure. Additionally it is proposed to move one section to a more logical position within the procedure.
- 8.3 The Complaints Procedure has a number of documents appended to it. The first is a flowchart showing the process. Appendix B contains the current flowchart. Attached at Appendix C is a proposed replacement flowchart, following feedback from the discussion with the IP, Res IP and Chairman of the Standards Committee. The

proposed new flowchart is simpler, with less information included in order to be clearer to the reader. One suggestion made was to include the relevant paragraph numbers of the Procedure in the relevant box on the flowchart, but for reasons of space that suggestion was not incorporated.

- 8.4 The second appendix to the Complaints Procedure sets out the Assessment Criteria. It is proposed to change the example given of what does not constitute a breach of the Code of Conduct to “failure to respond to correspondence”, given this is the most frequent example of the type of complaint ruled out in the initial assessment by the Monitoring Officer. Additionally the example currently used reflects the 2012 Code of Conduct, not the Code adopted by Full Council in 2013 which slightly broadened the circumstances in which conduct in a Councillor’s private life might constitute a breach of the Code.
- 8.5 As stated at paragraph 7.1 the Monitoring Officer, in consultation with the Independent Person, has been delegated the authority to make minor amendments to the Council’s adopted Procedure and the views of the Committee are sought on the proposed changes.

9. LEGAL IMPLICATIONS

- 9.1 The terms of reference of the Standards Committee include at paragraph 7.5.11 of the Constitution “to maintain oversight of the Council’s arrangements for dealing with complaints about Member conduct”. As stated at paragraph 7.1 above the Monitoring Officer has delegated authority to make minor amendments to the Complaints Procedure Arrangements and Complaints Procedure Flowchart.
- 9.2 It is important that the complaints handling procedures are effective in order to ensure that the Council meets its statutory obligations and that the processes provide for a fair process for both the complainant and the Councillor complained of.

10. FINANCIAL IMPLICATIONS

- 10.1 There are no capital or revenue implications arising from the content of this report.

11. RISK IMPLICATIONS

- 11.1 Appropriate policy frameworks help to ensure good governance of the Council and therefore reduce risk of poor practice or unsafe decision making.

12. EQUALITIES IMPLICATIONS

- 12.1 The Equality Act 2010 came into force on the 1st October 2010, a major piece of legislation. The Act also created a new Public Sector Equality Duty, which came into force on the 5th April 2011. There is a General duty, described in 12.2, that public bodies must meet, underpinned by more specific duties which are designed to help meet them.
- 12.2 In line with the Public Sector Equality Duty, public bodies must, in the exercise of its functions, give **due regard** to the need to eliminate discrimination, harassment, victimisation, to advance equality of opportunity and foster good relations between those who share a protected characteristic and those who do not.

13. SOCIAL VALUE IMPLICATIONS

- 13.1 As the recommendations made in this report do not constitute a public service contract, the measurement of 'social value' as required by the Public Services (Social Value) Act 2012 need not be applied, although equalities implications and opportunities are identified in the relevant section at Paragraph 12.

14. HUMAN RESOURCE IMPLICATIONS

- 14.1 None.

15. APPENDICES

- 15.1 Appendix A – Independent Person Role Description.
- 15.2 Appendix B – Complaints Procedure.
- 15.3 Appendix C – Proposed new Complaints Procedure Flowchart.

16. CONTACT OFFICERS

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17. BACKGROUND PAPERS

- 17.1 None.