

ARRANGEMENTS FOR HANDLING COMPLAINTS

Summary

1. This report reminds Members of the procedures for dealing with complaints adopted prior to the new regime being initiated. It proposes some changes to those procedures and also proposes some criteria to be adopted in assessing what action to take in respect of a complaint.

Procedures

2. In anticipation of the new arrangements the previous statutory Standards Committee approved the procedures for handling complaints which appear at Annex A.
3. The current procedures do not specifically refer to the possibility of the Monitoring Officer (MO) referring the decision as to whether to investigate to a Sub Committee. It would seem appropriate to make that reference in section 3 of the procedures.
4. A minor drafting change is required to section 5 of the procedures to clarify that, where an investigation has resulted in a finding that the Code has not been breached, the independent person will be consulted before the MO accepts the report as final.
5. The procedure does not provide for a circumstance where the MO, having consulted the independent persons, accepts that the investigation is complete but does not accept a conclusion that the Code has not been breached. It is suggested that the MO should retain the right to refer such a case to a hearing or seek a local resolution.
6. If a case has been formally investigated and a breach identified the procedure allows the MO to seek an informal resolution only with

the consent of the complainant. Where the breach is one that directly affects the individual – for example where that person has been treated with disrespect – it does seem appropriate that the complainant should be asked to consent to any informal resolution. There is perhaps a question as to whether that is necessarily the right approach where the breach does not relate directly to the individual. For example an investigation might establish that a Councillor had failed to declare an interest having received incorrect advice. On balance there does seem to be a case for building additional flexibility into the criteria.

Criteria for undertaking an investigation

7. The statutory Standards Committee had assessment criteria which were applied by the Sub Committees which conducted the initial assessment of complaints. Those criteria appear at Annex B. Those criteria may be an appropriate starting point in making the initial judgment on a complaint. Of course references to Sub Committees would need to be changed to reflect the new procedures.

Recommendations

8. Members are recommended to:
 - 1) Ask the Monitoring Officer to make the changes referred to in the report to sections 3 and 5 of the Procedures for handling complaints.

Reason: To add further clarity to the procedures
 - 2) Agree that additional flexibility should be added to the procedures allowing for informal resolutions to be achieved following an investigation.

Reason: To ensure that the procedures operate in a fair way
 - 3) Agree that the former assessment criteria, updated to reflect the current procedures, be adopted for use in making the initial judgment in respect complaints

Reason: To ensure consistency in the judgements made about complaints.

Contact Details

Author:

Andrew Docherty
Monitoring Officer

CBSS

Tel No. 01904 551004

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Report
Approved

Date 18/10/12

Wards Affected: *List wards or tick box to indicate all*

All

For further information please contact the author of the report

Background Papers:

None

Annexes

Annex A – Procedures for handling complaints

Annex B – Assessment Criteria