

**Standards Committee Terms of Reference and Procedures,
including Vexatious Complaints**

Summary

- 1) This report updates Members on the progress of the Task Group in relation to reviewing the Standards Committee Terms of Reference and Procedures and also seeks Members' views on the inclusion of further guidance within the Standards Committee Procedures in relation to dealing with vexatious Code of Conduct complaints.

Background

- 2) On 13 June 2018 Members were asked to consider a report seeking their views on the continued sustainability of procedures adopted in York for handling matters relating to ethical governance.
- 3) Members resolved that the terms of reference and procedures should be considered initially by a Task Group. Group Leaders, Deputy Group Leaders and Independent Council Members were asked to comment on the existing terms of reference and procedures ahead of the first Task Group meeting, which took place on 18 July 2018.
- 4) The Task Group suggested amendments to the complaints procedure, which included setting guideline timescales for the investigation of a complaint and for obtaining the Independent Persons views as well as adding a provision about privacy. A further meeting took place on 14 August 2018 where the topic of vexatious complaints was discussed as well as an Independent Persons Protocol.
- 5) The draft procedure will now be sent to the Groups and YLCA for their consideration and comments, which are to be received by 25 September 2018, which is the date of the next Task Group meeting. A copy of the draft amended procedure is attached to this report at Annex one.
- 6) The current Joint Standards Committee Assessment Criteria, which can be found at Annex two, deals with the criteria applied for dealing with vexatious complaints. Section 4 of the Criteria deals with the seriousness of a complaint and provides at 4.1: "a complaint will not

normally be referred for investigation or other action where the complaint appears to be trivial, vexatious, malicious, politically motivated or tit for tat". The Task Group have looked at other Local Authority arrangements for dealing with vexatious complaints and have considered Leicester City Council's procedures. Leicester City Council's arrangements for dealing with such complaints can be found at Annex three of this report.

- 7) The Task Group has further work to do in relation to the suggested Independent Persons protocol.

Recommendations

- 8) Members are asked to consider the contents of the report and note the work done to date by the Task Group. In addition, Members are asked to consider whether the current vexatious complaints guidance found within the Assessment Criteria is sufficient or whether a more detailed process similar to the Leicester City Council guidance should be adopted.

Reason: To ensure that the procedures adopted by the Committee remain fit for purpose.

Contact Details

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Report Approved

Date 23 August 2018

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

All

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For further information please contact the author of the report

Annexes

Annex One – Draft amended Complaints Procedure
Annex Two – Assessment Criteria
Annex Three – Leicester City Council's vexatious complaints arrangements.

Background Papers: None