

	
<b>STANDARDS COMMITTEE</b>	20 <sup>TH</sup> NOVEMBER 2009
Report of the Interim Head of Civic Democratic and Legal Services	

## **REVIEW OF THE OPERATION OF THE LOCAL ASSESSMENT OF COMPLAINTS FRAMEWORK**

### **Summary**

1. This report contains summary information on the numbers and types of complaints received by the Council since the introduction of the local assessment of complaints. It also makes some proposals for improving the current process.

### **Background**

- 2 The local assessment of complaints was introduced from May 2008 by the Local Government and Public Involvement in Health Act 2007 which amended the Local Government Act 2000. The Standards Committee (England) Regulations 2008 relate to the conduct of authority members and the requirements for dealing with this.
- 3 The regulations set out the framework for the operation of a locally-based system for the assessment, referral and investigation of complaints of misconduct by members of authorities. They amend and re-enact existing provisions in both the Relevant Authorities (Standards Committees) Regulations 2001, as amended, and the Local Authorities (Code of Conduct) (Local Determination) Regulations 2003, as amended.

### **Statistical Information**

- 4 It is now some 18 months since this change was introduced and this is a good point at which to assess how this has operated locally.
- 5 Since May 2008, 7 complaints have been referred to the Assessment Sub Committee. Some of these were multiple complaints and in total 22 councillors were complained about. Of these 6 were parish councillors (4 from the same parish council) and the remainder were City of York councillors.
- 6 The complaints were largely about treating others with disrespect, bringing the authority or the office of councillor into disrepute or failure to declare an interest (both personal and prejudicial)

- 7 Only two of the complaints were referred for investigation. The rest led to a decision of no further action save for one multiple complaint about members of a parish council which led to a recommendation for further training.
- 8 Three 'no further action' decisions were subject to reviews following requests by the complainant and all of these confirmed the original decision.
- 9 The two cases which were the subject of an investigation resulted in a hearing related to one alleged breach of the Code. The Hearings Sub Committee decided that there was no breach of the Code in this case. There is a further outstanding review which is due to be considered prior to this meeting of the Standards Committee.
- 10 Anecdotally, this information suggests that the Council has received a slightly lower than average number of complaints under this new framework. Standards for England collates statistical information on the numbers of complaints and their disposal. This is not broken down by authority but their website indicates that during the period from May 2008 to June 2009 complaints were split across authority types as follows:

Authority types	Number of cases	Average number of cases per authority
County Council	155	5
District Council	2112	9
London Borough	128	4
Metropolitan Council	412	12
Unitary	736	16
Other	15	0

- 11 29% of cases were referred for investigation (which is a higher percentage than in this authority) and 53% of cases led to no further action at the assessment stage. This is lower than the percentage in York. Reviews were requested in 37% of cases. This is higher than the percentage of cases reviewed here.
- 12 It has not proved possible to undertake a qualitative assessment of the management of the cases in the time available. The Standards Committee might wish to consider whether this would be a useful activity or whether it might be more sensible for it to receive a further report in 6 months time with a qualitative assessment of cases dealt with during that period.
- 13 The recent hearing suggested that there maybe issues which could usefully be considered by the Standards Committee as a learning point. This might in particular look at the time and resources devoted to complaints and the application of the assessment criteria. As the

outcome was for no further action the councillor concerned has the right to ask for there to be no publicity. At the time of writing the decision notice is still in draft and we have not yet sort the views of the councillor concerned. Any discussion at the meeting will need to take the position at that time into account.

- 14 I have also not looked in detail at the time taken to deal with complaints but my impression is that these are currently being dealt with within agreed timescales.

### **Procedure**

- 15 The Standards Committee should have agreed a pre hearing process and a procedure for conducting hearings of complaints. It has recently become clear that it has not yet done so. This did not have a negative impact on the recent hearing but it is imperative that a procedure is put in place as quickly as possible. In the meantime, we will use the Standards for England guidance if it is necessary to proceed to a hearing before a process is agreed.

### **Options**

- 16 This is largely an information report for the Standards Committee but the Committee should consider whether to ask for a further evaluation of the quality of the decision making for cases already dealt with or whether to receive a further report in 6 months with a qualitative assessment of cases dealt with during that period.
- 17 the Standards Committee is also being asked to agree to approve a pre hearing and hearings procedure at its next meeting. It does not have the option not to do this.

### **Corporate Priorities**

- 16 The Standards Committee's management of the local assessment framework contributes to its key role in maintaining high ethical standards. This in turn is an essential part of the 'Effective Organisation' strand of the Corporate Strategy. Effective ethical governance is a key aspect of corporate governance overall which is an important priority for the Council.

### **Implications**

17.

- (a) **Financial** none
- (b) **Human Resources (HR)** None.
- (c) **Equalities** None

(d) **Legal** – None beyond those contained in the report.

(e) **Crime and Disorder** None

(f) **Information Technology (IT)** None

(g) **Property** None

(h) **Other** None

### Risk Management

14. There are no risks associated with agreeing the recommendations. There is a risk in not agreeing to adopt a full pre hearing and hearings procedure.

### Recommendations

15. The Standards Committee is asked to consider:
- a) how it wishes to take forward any further review of the local assessment framework.;
  - b) to receive a report to approve pre hearing and hearing procedures at its next meeting.

Reason:

To ensure that the Standards Committee maintains proper and effective oversight of the local assessment framework

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	<b>Report Approved</b>	√	<b>Date</b> 9/11/09
<b>Specialist Implications Officer(s)</b> None			
<b>Wards Affected:</b> <i>List wards or tick box to indicate all</i>			<b>All</b> x
<b>For further information please contact the author of the report</b>			

**Background Papers:**

Information taken from minutes of Standards committee sub committees  
Information from Standards for England

(Available on the Council's website(*save where this is exempt from disclosure*) and that of Standards for England)

**Annexes**

None