

LOCAL ASSESSMENT CRITERIA – JULY 2012

The Monitoring Officer will adopt the approach and apply the criteria set out below in the assessment of complaints under locally adopted Codes of Conduct for Members. The Review Committee will also use this approach and criteria.

Relevance

1. It is likely that complaints will be received which do not relate local Codes of Conduct for Members. These might include complaints relating to the provision of services local councils; matters relating to the local council as a corporate body; procedural issues relating ; or matters which should be dealt with under a council's complaints procedure. They may be matters relating to council employees, other authorities or matters relating to a member's private life which do not fall within the remit of the Standards Committee. Such complaints cannot be considered under the provisions of local Codes of Conduct and the Monitoring Officer will advise the complainant that the matter cannot proceed under those provisions, but that the complainant should contact the clerk or Chairman of the relevant authority in order to bring a complaint under whatever local complaints procedures may obtain.

Local Resolution

2. Investigations are costly and time consuming. The Monitoring Officer will always consider whether a local resolution would be appropriate.

3. Initial Tests

Before the assessment of a complaint begins, the Monitoring Officer should be satisfied that:

- a) The complaint is about the conduct of a member of a council within the area of Wiltshire Council
- b) That the member was a member at the time of the incident giving rise to the complaint
- c) That the member remains a member of the relevant authority at the time of the complaint
- d) That the matters giving rise to the complaint would, if proven, be capable of breaching the Code of the relevant local authority.

If the complaint fails one or more of these tests it cannot be investigated and no further action will be taken.

4. Sufficiency of information

The complainant must provide sufficient information to enable the subject member and those responsible for assessing the complaint to understand the issues complained of. If insufficient information is provided, the Monitoring Officer will not normally proceed with assessment of the complaint.

If the complaint meets the criteria set out in a-e above, and the complainant has provided sufficient information to enable the issues complained of to be understood, the Monitoring Officer will send a copy of the complaint to the subject member and ask for the subject member's comments. When these have been received, the Monitoring Person and the Independent Person will assess the complaint.

5. Seriousness of the Complaint

A complaint will not be referred for investigation if, on the available information, it appears to be trivial, vexatious, malicious, politically motivated or 'tit for tat'.

Other than in particularly serious cases a complaint will not generally be referred for investigation if the subject member has offered an apology, a reasonable explanation of the issues, or if the Monitoring Officer takes the view that the complaint can reasonably be addressed by other means.

Bearing in mind the public interest in the efficient use of resources, referral for investigation is generally reserved for serious complaints where alternative options for resolution are not considered by the Monitoring Officer to be appropriate.

Length of Time Elapsed

6. A complaint will not be referred for investigation when it is made more than 20 days from the date upon which the event giving rise to the complaint took place.

Anonymous Complaints

7. Anonymous complaints will not normally be considered unless there is additional documentary evidence to support the complaint.

Multiple Complaints

A single event may give rise to similar complaints from a number of complainants. These will generally be treated as a single complaint with multiple complainants.

Confidentiality

As a matter of fairness and natural justice, a member should usually be told who has complained about them. There may be occasions where the complainant requests that their identity is withheld. Such a request will only be agreed in exceptional circumstances.

Withdrawing Complaints

A complainant may ask to withdraw their complaint before it has been assessed. In deciding whether to agree the to request the Monitoring Officer will consider:

- (a) the complainant's reasons for withdrawal;
- (b) whether the public interest in taking some action on the complaint outweighs the complainant's wish to withdraw it;
- (c) whether action, such as an investigation, may be taken without the complainant's participation.