

STANDARDS COMMITTEE

18 JUNE 2008

LOCAL ASSESSMENT OF COMPLAINTS

Purpose of Report

1. To advise the Committee of the implementation of The Standards Committee (England) Regulations 2008 on 8 May 2008 and related guidance issued by the Standards Board on the local assessment of complaints under the Members' Code of Conduct.
2. To seek authority to undertake all necessary action, in collaboration with the Monitoring Officers of other authorities in Wiltshire, to ensure as far as possible that common procedures and standard documentation are adopted.

Background

3. At its meeting on 23 January 2008 the Committee agreed a series of measures relating to the local assessment of complaints, in anticipation of the introduction of regulations under the Local Government Act 2000, as amended by the Local Government and Public Involvement in Health Act 2007. The Committee resolved:
 - (a) To expand the council's existing complaints procedures to include allegations of breaches of the Code of Conduct and for such complaints to be received by the Monitoring Officer.
 - (b) To advertise the local assessment.
 - (c) To update the Council's website with the revised complaints procedure with web links between general complaints and the local assessment arrangements for dealing with complaints regarding allegations of breaches of the Code of Conduct by Members, the Standards Board for England website and the Code of Conduct for Members.
 - (d) To give Customer Services staff appropriate training to enable them to give informed advice to members of the public on how to make a complaint.

- (e) To reserve consideration of the size of the Standards Committee until the Council has had some experience of operating the local assessment.
 - (f) To establish 3 sub-committees of the Standards Committee, to:
 - consider whether an allegation should be investigated;
 - consider any request for a review of a decision that an allegation should not be investigated;
 - conduct hearings into alleged breaches of the Code.
 - (g) That each sub-committee be chaired by an independent member of the Standards Committee.
 - (h) That the composition of each sub-committee be determined by the Monitoring Officer in consultation with the Chairman of the Committee on the basis of member availability, save that no member should serve on more than one sub-committee for any one allegation or set of allegations.
 - (i) That officers be required, prior to a meeting to determine whether a complaint should be investigated, to prepare a report that sets out the facts of the allegation and relating those facts to the Code.
 - (j) That the initial assessment of complaints be determined within 21 working days of receipt by the Monitoring Officer and that this be reviewed if necessary in the light of experience and guidance from the Standards Board.
 - (k) That the Standards Committee recommends to Council the consequential changes to the Constitution.
4. The Standards Committee (England) Regulations 2008 came into force on 8 May 2008. A copy of the Regulations is enclosed separately. A summary of the effect of the Regulations is included in the Explanatory Note to the Regulations (see pages 19-21) and there is also a useful summary in the Standards Board Bulletin No. 38 a copy of which is included at item 16 of this agenda.
5. The Standards Board has since issued statutory guidance in support of the Regulations, a copy of which is also circulated separately. The guidance deals with the processes to be followed and issues to be considered in relation to the initial assessment, review, referral, investigation and hearing of complaints. The Standards Committee must have regard to the guidance in implementing the requirements of the Regulations.
6. The Standards Board has also produced a toolkit including standard documents for standards committees to use or adapt as part of their

procedures. It is understood that the Standards Board will be adding a model procedure to the toolkit shortly.

The toolkit can be accessed on the following link:

<http://www.standardsboard.gov.uk/Guidance/Standardscommittees/Guidanceandtoolkit/>

Main Considerations for the Council

7. The Regulations and Guidance require standards committees to deal with a range of issues, including:

- establish sub-committees for the initial assessment of complaints and the review of a decision to take no action in relation to a complaint;
- publicise the arrangements for making a complaint and the procedures to be followed;
- making any necessary amendments to the Constitution;
- draw up and publish assessment criteria for the initial assessment of complaints;
- consider arrangements for dealing with:
 - withdrawal of complaints;
 - multiple complaints;
 - vexatious complaints;
 - anonymous complaints;
 - requests for confidentiality;
 - record-keeping - retention policy;
- issuing guidelines on member / officer involvement in assessment because of personal interests.

8. It will be apparent from paragraph 3 above that the Committee has already gone some way towards addressing these issues. However, it is necessary to review the actions which have been taken so far to ensure that these fully meet the statutory requirements and to undertake further work on the outstanding issues identified in paragraph 7 above.

9. Bearing in mind the move to unitary status and the position of members who are members of more than one authority in Wiltshire it would be sensible to seek to adopt a common approach for all Wiltshire authorities. It is therefore proposed that Wiltshire Monitoring

Officers work together with a view to agreeing, as far as possible, standard procedures and documentation in implementing the Regulations and guidance.

Environmental Impact of the Proposal

10. None identified.

Risk Assessment

11. The Council is required to implement the Regulations having regard to the statutory guidance issued by the Standards Board.

Financial Implications

12. The local assessment, investigation and determination of complaints is likely to have a significant impact on the Council's resources in terms of Member and officer time in dealing with complaints, especially following vesting as a unitary authority, when the new unitary Council will assume responsibility for Parish Councils. It is not possible to give any reliable assessment of the potential impact but this will be kept under close review and further reports will be brought to the committee as necessary.

Proposal

13. The Committee is therefore asked:

- a. to note the Regulations and Guidance:
- b. to authorise the Monitoring Officer, in consultation with the Chairman, and in his or her absence the Vice Chairman, to take all necessary action to implement arrangements in accordance with the Regulations, having regard to guidance from the Standards Board, and to do so in collaboration with the other Monitoring Officers in Wiltshire with a view to agreeing a standard approach for all Wiltshire authorities.

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The following unpublished documents have been relied on in the preparation of this Report: None