

# **West Wiltshire District Council**

## **Standards Committee**

### **Procedure for Local Assessment and Review**

**A procedure to deal with the discharge of administrative functions in relation to the initial assessment and review of a complaint that a member of a relevant authority has failed to comply with the Code of Conduct.**

#### **1. Receipt of Complaints**

- 1.1 The Monitoring Officer shall set up arrangements within the Authority to secure that any complaint made in writing that a member of the relevant Authority has or may have failed to comply with the Authority's Code of Conduct is referred to him/her immediately upon receipt by the Authority.
- 1.2 The Monitoring Officer shall maintain a record of such complaints to ensure that the Authority can comply with its obligations under the relevant legislation.
- 1.3 Complaints shall only be entertained where they are in writing and are not anonymous and are signed by, or are identified as sent by, the complainant. Arrangements will be made to provide reasonable assistance to those who might otherwise have difficulty in making a complaint. Where requested, the Monitoring Officer is authorised to maintain the confidentiality of the identity of the complainant until the request can be considered by the Assessment Sub-Committee.

#### **2. Notification of Receipt of Complaints**

- 2.1 All relevant complaints must be assessed by the Assessment Sub-Committee, so the Monitoring Officer has no authority to deal with a complaint which appears to be about a failure by a relevant member to observe the Code of Conduct other than by reporting it to the Assessment Sub-Committee. The Monitoring Officer shall therefore determine whether the complaint is about such misconduct. Where it is not, he/she shall ensure that the matter is dealt with under a more appropriate procedure, for example where it is really a request for service from the Authority, a statement of policy disagreement, a legal claim against the Authority or a complaint against an officer or about a service of the Authority.

- 2.2 Following receipt of the complaint, and where the complaint does appear to be a complaint of misconduct against a relevant member, the Monitoring Officer will promptly, and in any case in advance of the relevant meeting:
  - 2.2.1 acknowledge to the complainant receipt of the complaint and confirm that it will be assessed by the Assessment Sub-Committee at the earliest opportunity;
  - 2.2.2 notify the subject member of receipt of the complaint and state that it will be assessed by the Assessment Sub-Committee at the earliest opportunity. However, where the Monitoring Officer is of the opinion that such notification would be contrary to the public interest or would prejudice any person's ability to investigate the complaint, he/she shall consult either the Chairman of the Assessment Sub-Committee or the Chairman of the Standards Committee, and may then decide that no such advance notification shall be given;
  - 2.2.3 notify the members of the Assessment Sub Committee and the Chair of the Standards Committee that a complaint has been received and arrange for a meeting of the Assessment Sub Committee at the earliest practicable opportunity;
  - 2.2.4 collect such information as is readily available and would assist the Assessment Sub-Committee in its function of assessing the complaint;
  - 2.2.5 consider the possibility of local resolution of the matter where practicable, in accordance with Paragraph 3 below;
  - 2.2.6 place a report, including a copy of the complaint and any other readily available information, on the agenda for the next convenient meeting of the Assessment Sub-Committee.
- 2.3 After the Assessment Sub-Committee has met, the Monitoring Officer shall notify the complainant and the member concerned and any other relevant persons, of the decision of that Sub-Committee.

### **3. Local Resolution**

- 3.1 Local resolution is not an alternative to reporting the complaint to the Assessment Sub-Committee, but can avoid the necessity of a formal local investigation.
- 3.2 Where the Monitoring Officer considers that there is the potential for local resolution, he/she shall approach the subject member

and ask whether they might now consider that their conduct was inappropriate, and, if so, whether they would be prepared to offer an apology or undertake other appropriate remedial action. With the consent of the member concerned, the Monitoring Officer may then approach the complainant and ask whether the complainant would be satisfied by such apology or other remedial action. The Monitoring Officer should then report to the Assessment Sub-Committee as required, and at the same time report the response of the member concerned and of the complainant. The intention being that, where the member has acknowledged that his/her conduct was inappropriate, and particularly where the complainant is satisfied with the proffered apology or remedial action, the Assessment Sub-Committee is able to take that into account when considering whether the matter merits investigation.

#### **4. Review of Decisions not to Investigate**

- 4.1 Where the Assessment Sub-Committee has decided that no action be taken on a particular matter, the Monitoring Officer shall promptly notify the complainant of the decision, and inform them of the date (being 30 days from the date of the formal decision notice of the Assessment Sub-Committee) within which a request of a review of the decision may be made.
- 4.2 When a review has been requested, the Monitoring Officer shall report to the Review Sub-Committee the information which was provided to the Assessment Sub-Committee in respect of the matter, the decision and reasons of the Assessment Sub-Committee and any additional relevant information which has become available prior to the meeting of the Review Sub-Committee.

#### **5. Local Investigation**

- 5.1 It is recognised that the Monitoring Officer will not necessarily be the actual person who conducts any formal local investigation.
- 5.2 It will be for the Monitoring Officer, where appropriate after consultation with the Chairman of the Assessment Sub-Committee or Chairman of the Standards Committee, to determine who to instruct to conduct a formal local investigation, and this may include another senior officer of the Authority, a senior officer of another authority or an appropriately experienced consultant.