

Review of the Standards Complaints Procedure

Purpose of Report

1. This report asks the Standards Committee to consider if it wishes to make or recommend revisions to constitutional and other documents in relation to the Standards Complaints Procedure.

Background

2. Following a review of complaints and the Code of Conduct, at its meeting on 29 June 2016 the Standards Committee recommended the adoption of guidance to the Code of Conduct to clarify its interpretation and to support councillors in meeting their obligations. The proposed guidance was adopted by Council on 12 July 2016, with any review or alteration of that guidance to be overseen by the Standards Committee.
3. At the meeting on 29 June 2016 the Standards Committee also resolved to request the Constitution Focus Group to review the procedure for dealing with complaints under the Code of Conduct. These arrangements came into force on 1 July 2012 following adoption at Council on 26 June 2012, and have not been reviewed since.

Main Considerations

4. The Constitution Focus Group met on 6 September 2016 to consider the existing procedure for dealing with complaints under the Code of Conduct. The minutes of the meeting on 6 September 2016 are included at **Appendix 1**. Any additional comments from Focus Group members will be provided at the meeting.
5. The documents considered by the Constitution Focus Group were:
 - Protocol 12 of the Constitution: Procedure for dealing with Code of Conduct Complaints
 - Local Assessment Criteria for Code of Conduct Complaints
 - Procedure Notes for Review Sub-Committees
6. Only Protocol 12 is a document of the Constitution. The Assessment Criteria was originally agreed by the Standards Committee and then included as part of the guidance adopted by Council on 12 July 2016. Any substantive changes to the Protocol would need to be approved by Full Council, but changes to the other documents may be made by the Standards Committee.

7. The Constitution Focus Group considered a report, attached at **Appendix 2**, inviting them to consider the following aspects of the procedure, obtained from comments noted from complainants, subject members, councillors serving on review and hearing sub-committees, officers supporting the process and the Council's three Independent Persons:
- Confidentiality of proceedings and enforcement of obligation of confidentiality;
 - Dealing with trivial or vexatious complaints;
 - Informal resolution and mediation - use of independent persons;
 - Timescales for subject members to respond and for arranging assessments, reviews and hearings;
 - Support for subject members;
 - Clarity regarding the power of the Review Sub-committee to 'dismiss the complaint or take no further action on the complaint';
 - Sanctions;
 - Publication of the procedure and information to parties on the process;
8. Revised versions of the documents listed at paragraph 5 are included at **Appendix 3**. Generally, as noted in Appendix 1, the Constitution Focus Group did not consider that significant changes were necessary; however, they felt the procedures could be clarified and enhanced with some alterations.
9. Review Sub-Committees have, on occasion, also commented upon the existing procedure and its supporting documentation. The revised documents in Appendix 3 include a variety of potential changes encompassing Focus Group and Review Sub-Committee suggestions.

Safeguarding Implications

10. There are no safeguarding issues arising from this report.

Equalities Impact of the Proposal

11. There are no equalities impacts arising from this report.

Risk assessment

12. There are no significant risks arising from this report.

Financial Implications

13. There are no direct financial implications arising from this report.

Legal Implications

14. The recommendations in this report are consistent with the Council's obligations under the relevant legislation.

Public Health Impact of the Proposals

15. There are no public health impacts arising from this report.

Environmental Impact of the Proposals

16. There are no environmental impacts arising from this report.

Recommendation

17. **The Standards Committee is therefore asked to consider if it wishes to adopt any changes to the Local Assessment Criteria and Review Sub-Committee Procedure, and whether to recommend to Council any changes to Protocol 12 of the Constitution.**

Ian Gibbons, Associate Director, Legal and Governance and Monitoring Officer

Report Author: Kieran Elliott, Senior Democratic Services Officer,
kieran.elliott@wiltshire.gov.uk , 01225 718504

Appendices:

Appendix 1 - Minutes of the Constitution Focus Group 6 September 2016

Appendix 2 - Report to the Constitution Focus Group 6 September 2016

Appendix 3a - Draft Revised Protocol 12

Appendix 3b - Local Assessment Criteria

Appendix 3c - Review Hearing Procedure

Background Papers:

None
