

## **STANDARDS COMPLAINTS ASSESSMENT CRITERIA**

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 Sub-Committee will use the same approach and criteria.

### **Relevance**

1. It is likely that complaints will be received which do not relate to local codes of conduct for members. These might include complaints relating to the provision of services by local councils; matters relating to the local council as a corporate body; 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.

The Monitoring Officer will advise the complainant in such matters that they cannot proceed under local codes of conduct, but that the complainant should contact the relevant council in order to bring a complaint under the appropriate complaints procedure.

### **Alternative resolution**

2. The Monitoring Officer will always consider whether an alternative means of resolving the complaint would be appropriate.

### **Initial Tests**

3. 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 council, or, if not, that it is in the public interest to continue to consider the complaint;
  - d) That a Code of Conduct for the relevant council is in force and has been provided;
  - e) That the matters giving rise to the complaint would, if proven, be capable of breaching that Code.

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

### **Sufficiency of information**

4. The complainant must provide sufficient information to enable the subject member and those responsible for assessing the complaint to understand the substance of the complaint. 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 3. 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 Officer will assess the complaint, after consulting the Independent Person.

At this initial assessment stage the Monitoring Officer will not normally consider any further representations or correspondence from either the complainant or subject member.

### **Seriousness of the Complaint**

5. 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'.

A complaint will not normally 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 working days from the date upon which the complainant became, or ought reasonably to have become, aware of the matter giving rise to the complaint.

In any event, the Monitoring Officer may decide not to refer a complaint for investigation where, in his opinion, the length of time that has elapsed since the matter giving rise to the complaint means that it would not be in the interest of justice to proceed.

### **Anonymous Complaints**

7. Anonymous complaints will not be considered unless the Monitoring Officer is satisfied that there would otherwise be a serious risk to the complainant's personal safety, in which case the Monitoring Officer will decide how the complaint should be taken forward.

### **Multiple Complaints**

8. A single event may give rise to similar complaints from a number of complainants. Where possible these complaints will be considered by the Monitoring Officer at the same time. Each complaint will, however, be considered separately. If an investigation is deemed to be appropriate the Monitoring Officer may determine that, in the interests of efficiency, only one complaint should go forward for investigation, with the other complainants being treated as potential witnesses in that investigation.

### **Confidentiality**

9. All information regarding the complaint will remain confidential to the parties until determined otherwise by the Monitoring Officer, Review Sub-Committee or Hearing Sub-Committee.

### **Withdrawing Complaints**

10. A complainant may ask to withdraw their complaint before it has been assessed. In deciding whether to agree the 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.