

# STANDARDS COMMITTEE

## REVIEW OF COMPLAINT FORM 22nd January 2009

### Report of the Monitoring Officer

#### PURPOSE OF REPORT

To enable the Committee to make amendments to the form for submitting Code of Conduct complaints.

**This report is public**

#### RECOMMENDATIONS

- (1) **That the Committee approve the amendments to the Complaint Form as appended to this report.**

#### 1.0 Introduction

- 1.1 This report suggests improvements that could be made to the form used for submitting Code of Conduct complaints. It arises primarily from the experience of an Assessment Sub-Committee in considering a complaint where insufficient information had been provided by the complainant to enable the Sub-Committee to make a decision as to whether the complaint should be referred for investigation or other action.

#### 2.0 Proposal Details

- 2.1 At its meeting on the 23rd May 2008, the Committee approved the content of the form for submitting a Code of Conduct complaint. At the time, the Committee was anxious to make the form as simple as possible, and took the view that any explanatory text should be included in the separate document "Guidance on making a Complaint to the Standards Committee", which is appended to this report.
- 2.2 However, an Assessment Sub-Committee considered a complaint in October 2008 where it took the view that the complainant had not supplied sufficient information to enable it to make a decision as to whether the complaint should be referred for investigation or other action. The Sub-Committee therefore requested the Monitoring Officer to review the complaint form with a view to drawing a complainant's attention to the need to supply as much information as possible.

- 2.3 The Monitoring Officer has therefore drafted some additional text for inclusion at the top of the complaint form and at section 4 of the form. The added text is shown in italics in the form attached to this report, and is for Members' consideration.
- 2.4 The Assessment Sub-Committee also suggested that the Monitoring Officer should perhaps have sought further information from the complainant before the Sub-Committee considered the complaint.
- 2.5 However, the Standards Board's Guidance on pre-assessment reports and enquiries states that the Monitoring Officer's report to the Assessment Sub-Committee could set out:

"any further information that the officer has obtained to assist the assessment sub-committee with its decision – this may include:

- a) obtaining a copy of a declaration of acceptance of office form and an undertaking to observe the Code
- b) minutes of meetings
- c) a copy of a member's entry in the register of interests
- d) information from Companies House or the Land Registry
- e) other easily obtainable documents"

Indeed, in connection with a previous complaint, the Monitoring Officer in accordance with this advice, presented to the Assessment Sub-Committee a number of Council agenda items and minutes and a copy of a Member's register of interests.

However, the Guidance goes on to state that "officers may also contact complainants for clarification of their complaint if they are unable to understand the document submitted. Pre-assessment inquiries should not be carried out in such a way as to amount to an investigation. For example, they should not extend to interviewing potential witnesses, the complainant or the subject member".

- 2.6 In this particular case, the Monitoring Officer had taken the view that she understood the complaint, but that if she had contacted the complainant for further information, this would have been tantamount to carrying out an investigation and would have been inappropriate. Discussions with the Standards Board's legal advisers on this point following the meeting of the Assessment Sub-Committee, confirmed that this approach was correct. It is therefore important that complainants should be made aware at the time of completing the complaint form, of the need to ensure that all possible information is provided.

### **3.0 Details of Consultation**

- 3.1 There has been no consultation on this report.

### **4.0 Options and Options Analysis (including risk assessment)**

- 4.1 The options open to the Committee are to approve the proposed amendments to the complaint form, to approve some other amendments, or to leave the complaint form unamended. The Monitoring Officer would recommend that the form be amended to draw the attention of complainants to the need to supply full and detailed information about the complaint.

**CONCLUSION OF IMPACT ASSESSMENT**

**(including Diversity, Human Rights, Community Safety, Sustainability and Rural Proofing)**

None arising from this report.

**FINANCIAL IMPLICATIONS**

None directly arising from this report.

**SECTION 151 OFFICER'S COMMENTS**

The Section 151 Officer has been consulted and has no further comments.

**LEGAL IMPLICATIONS**

None directly arising from this report.

**MONITORING OFFICER'S COMMENTS**

The report has been prepared by the Monitoring Officer in her role as adviser to the Committee.

**BACKGROUND PAPERS**

None

**Contact Officer:** Mrs S Taylor

**Telephone:** 01524 582025

**E-mail:** STaylor@lancaster.gov.uk

**Ref:**