

**Draft process for managing standards complaints under the  
Localism Act 2011**

The following provides an outline of the anticipated process for how standards complaints under the Localism Act 2011 will be dealt with.

A more detailed mapping flow of the process will be made available to the Standards Committee at the meeting.

Key:

|    |                       |
|----|-----------------------|
| C  | Complainant           |
| IO | Investigating Officer |
| IP | Independent Person    |
| MO | Monitoring Officer    |
| PC | Parish Council        |
| SM | Subject Member        |

Note: The MO reserves the right, at any stage in the process, to seek to consult with 'relevant parties' on any aspect of a complaint, or on any proposed course of action in relation to a complaint. For this purpose relevant parties may include, amongst others:

- the Leaders of the Political Groups;
- a Representative from the Worcestershire Association of Local Councils;
- the Chairman, Vice-Chairman or Clerk/Executive Officer of a Parish Council; or
- a Representative of the Police or other relevant regulatory body.

**Stages in the process**

1. Written complaint received by the MO.
2. The MO will send a written acknowledgement of the complaint to the C and the SM, which will explain the process involved and confirm any relevant timeframes.
3. The MO will review the complaint, in consultation with the IP, to determine whether it can be dealt with (in first instance at least) via local resolution, or whether a formal investigation is required.

(Note: If any criminal conduct or breach of other regulation is identified the MO may refer the matter to the Police or other regulatory agency. The MO will, at the same time, continue to undertake any separate course of action on behalf of the Council in relation to the complaint, as deemed appropriate and where necessary in consultation with the IP, with a view to maintaining high standards of Member conduct.)

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4. Once having reviewed the complaint the MO will notify the C, SM, and if the complaint relates to a Parish Councillor the PC concerned, in writing of how she intends to proceed with the complaint and her reasons for the decision.

### Local resolution

5. If the MO attempts to deal with the complaint under local resolution she will liaise with the relevant parties to seek to agree a way forward.
6. If the SM accepts that his/her conduct was unacceptable and offers an apology, and/or if other remedial action is offered/undertaken by either the SM or the authority, the MO will notify the C of any reasonable terms offered by either the SM and/or the authority.
7. If the C accepts the terms offered the MO will write to all parties detailing the outcome and the matter will be closed.
8. If the C does not accept the terms offered the MO will determine, in consultation with the IP, whether the complaint merits a formal investigation.
9. The MO will write to the relevant parties detailing her decision and the reasons for the decision and the matter will either be closed or a formal investigation will take place.

### Formal investigation

10. If (at stages 3 or 8) the MO determines that a formal investigation is necessary the MO will appoint an IO.
11. The IO will conduct the investigation and in doing so will liaise with any relevant parties, as appropriate.
12. The IO will produce a draft report detailing his/her findings and will send a copy of the report to the C and SM for comment.
13. Following comments from the C and/or SM the IO will finalise his/her report and will send a copy of the final report to the MO.
14. The MO will review the IO's report and, depending on the IO's findings and the reasons for those findings, will determine the next course of action.

### Available options following formal investigation

15. If the IO finds that there is no evidence of any failure by the SM to comply with the Code of Conduct and the MO is satisfied with the IO's findings the MO will, following consultation with the IP, write to the C, SM, and if the

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- complaint relates to a Parish Councillor the PC concerned, enclosing a copy of the final report and confirming that she is satisfied that no further action is required. The matter will then be closed.
16. If the IO finds that there is evidence of failure by the SM to comply with the Code of Conduct and the MO is satisfied with the IO's findings the MO will determine, in consultation with the IP and depending on the seriousness of the failure in question, whether to send the matter for a local hearing or to seek to resolve the matter via local resolution.
  17. If the MO attempts to conclude the matter via local resolution she will liaise with the relevant parties to seek to agree a fair resolution, with a view to ensuring higher standards of conduct by the SM in the future.
  18. If a fair resolution is agreed and the SM complies with the suggested resolution the MO will report the matter to the Standards Committee, and if the matter relates to a Parish Councillor to the PC concerned, for information. No further action will be taken and the matter will then be closed.
  19. If (at stage 17) the C tells the MO that any suggested resolution is not adequate, or if the SM is not prepared to undertake any proposed remedial action, the MO will refer the matter for a local hearing.

### Local hearing

20. Where (at stages 3, 8, 16 or 19) a local hearing is to take place, a pre-hearing process will be undertaken which will seek to facilitate the smooth running of the hearing including, for example, the identification of any significant disputed facts and the calling of any witnesses.
21. The hearing will take place in accordance with the published procedure and a formal written decision of the Hearing Panel will follow as soon as reasonably practicable after the hearing.

### Additional notes

- (i) Full Council can, by resolution, amend these arrangements and can delegate to the Chairman of the Hearings Panel the right to depart from these arrangements where the Chairman considers it expedient to do so in order to secure effective and fair consideration of a matter.
- (ii) There is no right of appeal for either the C or SM against a decision of either the Monitoring Officer or of the Hearings Panel. Any decision would, however, be open to judicial review by the High Court if it was patently unreasonable, or if it were taken improperly, or if it sought to impose a sanction which the Council had no power to impose.