



Doncaster Council

Report

29th April 2021

**To the Chair and Members of the
AUDIT COMMITTEE**

PROCEDURE FOR HANDLING COMPLAINTS REGARDING ALLEGATIONS OF MEMBER MISCONDUCT – PROPOSED REVISIONS

EXECUTIVE SUMMARY

1. This report outlines proposed revisions to the Council's procedure for handling complaints regarding allegations of Member misconduct in the light of ongoing practical experiences and the recent launch of the Local Government Association's (LGA) Model Code of Conduct for Members.

EXEMPT REPORT

2. N/A

RECOMMENDATION

3. That the Committee considers and approves the revised Procedure for Handling Complaints, as set out in Appendix A to this report.

WHAT DOES THIS MEAN FOR THE CITIZENS OF DONCASTER?

4. Under the Localism Act 2011, the Council has a statutory duty to promote and maintain high standards of conduct for its Elected and Co-opted Members. In discharging this duty, Councils are required to have in place arrangements for investigating allegations of Member misconduct and taking decisions on those allegations.
5. The review of this Council's Procedure for Handling Complaints regarding alleged misconduct by Members should help increase public confidence in local governance through maintaining high standards of conduct by Members and ensuring that the process for dealing with complaints is robust and transparent.

BACKGROUND

6. The Council's procedure for dealing with complaints of alleged Member misconduct was first adopted in June 2008, following the introduction of the local assessment of complaints regime in May 2008, the function having been devolved from the former Standards Board for England. Since that time, various revisions to the procedure have been made in the light of practical experiences encountered over the years in operating the local assessment of complaints.
7. Arising from recent discussions at a Member Briefing and at this Committee's last meeting on the LGA's new Model Code of Conduct and the background processes for dealing with allegations of breaches of the Code, the Monitoring Officer undertook to review the complaint handling procedure and report back to this Committee with any proposed revisions, so that these could be considered in tandem with the new Code.

A copy of the revised Complaint Handling Procedure is attached at **Appendix A** to this report for the Committee's consideration and endorsement. Recommended amendments are indicated by ***bold italics*** to denote new text and deleted text is shown by being struck through with a line.

In summary, the proposed revisions to the Procedure comprise the following:-

- Extending the period for acknowledging complaints by the Monitoring Officer from 3 to 5 working days (paragraph 2.5 of Procedure).
- Clarification that the Code of Conduct applies to all forms of communication and interaction by a Councillor (paragraph 3.2 of Procedure).
- 'Vexatious complaints' (and new definition) added to the list of the types of complaint that the Monitoring Officer will not investigate (paragraph 3.3 a).
- Clarification that complaints will only be accepted for formal consideration/investigation if submitted to the Monitoring Officer using the Council's official Code of Conduct Complaints form (paragraph 3.3 e).
- New wording confirming that the Monitoring Officer will speak to a Councillor who is the subject of a complaint ('the Subject Member') before forwarding the complaint for informal resolution to the Councillor's Group Leader/Political Group or to the Parish Council, if the subject member is a Parish Councillor (paragraph 4.5).

OPTIONS CONSIDERED AND REASONS FOR RECOMMENDED OPTION

8. The Council should keep under review the operation of its complaints handling procedure and revise accordingly in light of practical experiences and guidance/advice received. The launch of the new LGA Model Code of Conduct offers the Council a timely opportunity to review the background complaints process that forms part of the wider ethical governance structure within the council. The alternative is not to revise the existing procedure. This option is not recommended.

IMPACT ON THE COUNCIL'S KEY OUTCOMES

9.

Outcomes	Implications
Connected Council: <ul style="list-style-type: none">• A modern, efficient and flexible workforce• Modern, accessible customer interactions• Operating within our resources and delivering value for money• A co-ordinated, whole person, whole life focus on the needs and aspirations of residents• Building community resilience and self-reliance by connecting community assets and strengths• Working with our partners and residents to provide effective leadership and governance	The periodic review of the Council's arrangements for dealing with complaints of alleged misconduct by Members is key to maintaining public confidence in local governance through maintaining robust and transparent processes.

RISKS AND ASSUMPTIONS

10. If the Council does not carry out periodic reviews of the Council's ethical governance arrangements, including the procedure for handling complaints regarding allegations of Member misconduct, there is a risk that standards will be lowered, bad conduct will not be dealt with effectively and public confidence in local democracy will be eroded.
11. It is important that all Members receive training to reduce the risk of Members breaching the Code and complaints being received.

LEGAL IMPLICATIONS [Officer Initials: H M P Date: 1.4.21]

12. The principal statutory provisions relating to standards of conduct for Members are contained in the Localism Act 2011. Section 27(1) of the 2011 Act provides that the Council must promote and maintain high standards of conduct by Members and Co-opted members of the authority.
13. Section 28 of the Localism Act 2011 requires Principal Authorities to have in place arrangements for investigating allegations of Member misconduct and taking decisions on those allegations.

FINANCIAL IMPLICATIONS [Officer Initials: PH Date: 31/03/2021]

14. There are no specific financial implications associated with this report.

HUMAN RESOURCES IMPLICATIONS [Officer Initials: KM Date: 31/03/2021]

15. There are no specific Human Resources implications arising from this report.

TECHNOLOGY IMPLICATIONS [Officer Initials: ET Date: 30/03/21]

16. There are no specific technology implications associated with this report.

HEALTH IMPLICATIONS [Officer Initials: RS Date: 31/03/2021]

17. Good governance is important for healthy organisations and for healthy populations. This Complaint Handling Procedure should support effective governance.

EQUALITY IMPLICATIONS [Officer Initials: JG Date 30/03/2021]

18. The adoption of a robust, clear and transparent Complaint Handling Procedure for alleged Member misconduct will help to ensure that Members, Officers and the public alike understand the process to be followed and enable a fair and consistent approach to be taken when dealing with any complaints of alleged breaches of the Code.

CONSULTATION

19. No formal consultation has been undertaken. The proposals contained in this respect are based on operational experience and feedback received. The Council's Independent Person appointed to assist the Monitoring Officer under the Localism Act 2011, Mr Philip Beavers, has also been consulted and is supportive of the proposed revisions detailed in this report.

BACKGROUND PAPERS

Doncaster Council's Complaint Handling Procedure
LGA Model Code of Conduct for Members

GLOSSARY OF ABBREVIATIONS

LGA – Local Government Association

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