

By: Peter Sass - Head of Democratic Services and Local Leadership

To: Standards Committee – 20 July 2009

Subject: Proposed Monitoring Officer Protocol for the assessment and review of complaints

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Summary: To consider the introduction of a proposed protocol for the Monitoring Officer in relation to the initial assessment and review of complaints that a Member is alleged to have breached the Code of Conduct.

## **Unrestricted**

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### **Background**

1. The locally managed framework for dealing with complaints that a Member is alleged to have breached the Code of Conduct has been in place for over a year and KCC has dealt with some 8 complaints during that period. The Committee has developed assessment criteria for sifting complaints and all Members of the Committee have served on at least one Assessment Sub Committee. There has also been one meeting of the Review Sub Committee.

2. The experience of having dealt with a number of complaints offers the Committee an opportunity to reflect on the overall process to see if any improvements can be made. In particular, there are two areas of contention, which a number of Members (including some of those who have been the subject of complaints) have mentioned are worthy of discussion.

- (a) The process for informing the subject Member that a complaint has been made about him/her and providing a summary of the complaint; and
- (b) Whether the opportunity exists for local resolution prior to the meeting of the Assessment Sub Committee

3. With regard to (a) above, the guidance from the Standards Board states that the subject Member can only be provided with a summary of the complaint if the Assessment Sub Committee agrees to issue such a summary. Since May 2008, this guidance has been followed and has led to some difficulties and inconsistencies:

- (a) Once a Member has been informed that a complaint has been made against them, he/she is then often left not knowing exactly what they are alleged to have done, which in one or two cases in the last 12 months, has caused stress and anxiety amongst Members, which is not conducive to effective working relationships between Members and the Monitoring Officer and his staff;
- (b) Without details of the complaint, a Member might inadvertently interfere with a potential witness or make matters more

complicated, prior to a meeting of the Assessment Sub Committee

- (c) Some complainants are completely open with the subject Member that they are submitting a complaint to the Standards Committee, resulting in an inconsistency, compared to those complaints that are submitted without the Member's knowledge

4. With regard to 2(b) above, whilst the Monitoring Officer must submit all appropriate complaints to the Assessment Sub Committee, a number of local authorities are choosing to seek to achieve a local resolution in appropriate cases. In these cases, both the original complaint, together with the outcome of the Monitoring Officer's attempts at local resolution are referred to and considered by the Assessment Sub Committee. Experience elsewhere suggests that this can avoid the necessity of a formal investigation.

5. Accordingly, in order to address these issues and following the attendance of Mr Gammon, Ms Ahmed and Mr Sass at a seminar held in London during May, hosted by Bevan Brittan, a draft Monitoring Officer Protocol has been produced (**see Appendix 1**) and the Committee is invited to consider the adoption of the protocol.

**Recommendation:**

6. The Committee is recommended to adopt the proposed Monitoring Officer Protocol in relation to the receipt, initial assessment and review of complaints that a Member is alleged to have breached the Code of Conduct (**Appendix 1**)

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