

By: Miss R MacCrone – Independent Chairman
Peter Sass - Head of Democratic Services and Local Leadership

To: Standards Committee – 20 November 2009

Subject: Monitoring report on complaints

Summary: To formally note the current position with regard to the receipt and consideration of complaints about KCC Members and the action taken by the Assessment and Review Sub Committees.

Unrestricted

Background

1. At the meeting of the Standards Committee on 25 November 2008, it was agreed that a report would be submitted to the Committee every six months, giving the relevant details of the current stage of any complaints that had been considered by the Assessment or Review Sub Committee. Accordingly, attached at **Appendix 1** is a schedule detailing this information.

Operation of the Assessment and Review Sub Committees

2. The Terms of Reference of the Assessment and Review Sub Committees are as follows:

Assessment Sub Committee

“To consider initial complaints that a Member or co-opted Member is alleged to have breached the Code of Conduct and decide whether, (a) the complaint appears to show a breach of the Code and (b) whether the complaint merits investigation.”

Review Sub Committee

“If so requested by the original complainant, to review any decision of the Assessment Sub Committee to take no action in respect of allegations

3. The guidance issued by Standards for England to reflect the Standards Committee (England) Regulations 2008 says that the Assessment and Review Sub Committees should consist of at least three Members of the Standards Committee including at least one independent Member and that the Sub Committee must be chaired by one of the independent Member. In practice, this means that, on occasions, either Sub Committee might have two elected and one independent Member. The Standards Committee is invited to consider whether it wishes to formally amend its previous decision on membership of these two Sub Committees, so that there are always two independent Members at every Sub Committee meeting. This exceeds the minimum requirements of the Regulations, but is deemed to represent best practice, as there would always be a majority of independent Members making assessment and review decisions.

Consideration and Hearing Sub Committee

4. The Standards Committee also needs to appoint a Sub Committee to consider reports from the Monitoring Officer or other appointed Investigating Officer, where the

Standards (Assessment) Sub Committee or the Standards (Review) Sub Committee has referred a complaint to the Monitoring Officer for local investigation. This Sub Committee will have the following Terms of Reference:

“To consider the Monitoring Officer’s Investigation Report and decide whether, (a) it accepts the Monitoring Officer’s finding of no failure (a finding of acceptance); or (b) the matter should be considered at a hearing of the Standards Committee, or (c) the matter should be referred to the Adjudication Panel for England for determination.”

5. As in paragraph 3 above, the Committee is invited to express its views on whether the membership of the Consideration and Hearing Sub Committee should be the same as what is now proposed for the Assessment and Review Sub Committees, i.e. 3 Members each, of whom 2 should be independent Members. The Committee is also invited to note that, in those cases where the Consideration and Hearing Sub Committee agrees to hold a hearing, that this will involve different Members to those who considered the investigation report.

DVD from Standards for England – “Assessment made clear”

6. Standards for England have recently released a new training DVD called “Assessment made clear” and the Chairman has agreed that the DVD will be shown as part of the Committee meeting. The running time for the DVD is 44 minutes.

Recommendation:

7. The Committee is invited to:

- (a) Formally note the current position with regard to the receipt and consideration of complaints (Appendix 1);
- (b) Agree to formally amend the membership of the Assessment and Review Sub Committees, so that the independent Members are always in a majority on the Sub Committees;
- (c) Appoint the Consideration and Hearings Sub Committee, as described in paragraph 4 and 5 above; and
- (d) Comment accordingly on any learning points arising from the DVD.

Miss R MacCrone – Independent Chairman of the Standards Committee

Peter Sass – Head of Democratic Services and Local Leadership

November 2009

Complaints received by the Standards Committee – May 2008 to November 2009

Reference	Complainant	Assessment outcome	Review outcome	Comments
KCC/01/2008	Member of the public	No action	Not requested	None
KCC/02/2008	Member of the public	No action	Not requested	None
KCC/03/2008	A local head teacher	No action	Not requested	None
KCC/04/2008	A Borough Councillor	No action	Refer to Monitoring Officer: Member to issue apology to complainant	Letter of apology not accepted
KCC/01/2009	A Borough Councillor	Refer to Monitoring Officer for conciliation	N/A	Complainant refused to take part in conciliation
KCC/02/2009	Member of the public	No action	Not requested	N/A
KCC/03/2009	Member of the public	Refer for investigation	N/A	Investigation report awaited
KCC/04/2009	Member of the public	No action	Not requested	None
KCC/05/2009	Member of the public	Referred to Monitoring Officer for other action (letter of apology)	N/A	Letter of apology accepted by complainant
KCC/06/2009	Member of the public	Referred to the Monitoring Officer for a formal investigation	N/A	Investigation underway