

Code of Conduct Complaints

Assessment Criteria

Introduction

These criteria are to be applied by the Monitoring Officer in consultation with an 'independent person' appointed by the Council.

In accordance with guidance from the Department for Communities and Local Government, the process is intended to be 'light touch' with emphasis on the resolution of complaints in the least bureaucratic way possible. The focus is therefore for complaints to be resolved locally through the political groups or other proportionate means. In order to achieve a timely and pragmatic outcome and in the interests of protection of the public purse, complaints should only be subject to the investigation process where they raise issues of a more serious nature or where it is deemed necessary in the particular circumstances. It is therefore contemplated that investigations will be the exception rather than the rule.

Preliminary Checks

- (1) Is it a complaint against a Councillor within the Council's jurisdiction?
- (2) Was the Councillor in office at the time of the alleged conduct?
- (3) Is the alleged conduct capable of being a breach of the Code?
 - (i) Does the 2007 Code of Conduct apply? (i.e. conduct before 1.7.12)
 - (ii) Does the Suffolk Code apply? If so:
 - (a) was the Councillor undertaking Council functions at the time of the alleged conduct?
 - (b) does the complaint concern the registration / declaration of interests?

Assessment

Part 1 – determination of whether action should be taken

- (4) Is the complaint insufficiently serious to warrant action being taken?
- (5) Does the complaint appear to be politically motivated, malicious or vexatious?
- (6) Does the complaint appear to be tit-for-tat?
- (7) Has the complaint (or a similar complaint) previously been considered by the Council or another body with investigatory functions?
- (8) Is the complaint about someone who is no longer a member of the authority concerned or no longer holds the position from which the complaint arises?
- (9) Did the alleged conduct occur too long ago to warrant action being taken or so that information may no longer be reliable?

If the answer to any of the questions above is "yes", then the decision should be no further action.

Part 2 – determination of the type of action to be taken

Initial consideration

- (10) Has the complainant indicated what outcome they would like? Is this outcome realistic, achievable and proportionate? What other means of resolution are available?

Referral to Political Group Leader (district/borough/county council complaints only)

- (11) Does the complaint involve a complainant and councillor from the same authority?
- (12) Could the complaint be addressed by a mediated solution through the Group Leader or by reprimand or other action within the Political Group?

- (13) Does the nature of the complaint raise issues of a political nature?
- (14) Could any of the actions for 'local resolution' below be more effectively achieved by a referral to the Group Leader?

If the answer to any of the questions above is "yes", then the decision should be referral to Political Group Leader.

Local resolution

- (15) Would the issue of an apology by the subject member be appropriate?
- (16) Would the issue of an explanation by the subject member be appropriate?
- (17) Would a personal undertaking from the subject member regarding future conduct be appropriate?
- (18) Can steps now be taken to clarify or rectify the matter giving rise to the complaint?
- (19) Does the nature of the complaint indicate that the subject member would benefit from training?
- (20) Does there appear to be an underlying issue or ongoing dispute that indicates some form of dispute resolution would be appropriate?
- (21) Could the circumstances giving rise to the complaint be avoided in future by the introduction (or amendment of) policy or procedure?
- (22) Is there another form of action that would address the complaint which could be considered?

If the answer to any of the questions above is "yes", then the decision should be local resolution.

Investigation

- (23) Does the complaint raise issues of bullying, misuse of position, breach of confidentiality or other allegation of a serious breach of the Code?
- (24) Could the conduct, if proven, constitute a criminal offence or contravention of a rule of law?
- (25) Is the complaint by or involve a member of staff which ought to be investigated by reason of the nature of the complaint or in the interests of transparency?
- (26) Have other forms of action been tried without a satisfactory outcome and the nature of the complaint is sufficiently serious to warrant investigation?
- (27) Has there been a history of similar complaints against the subject member and the nature of the complaint is sufficiently serious to warrant investigation?

If the answer to any of the questions above is "yes", then the decision should be investigation.