

TITLE	Update on Complaints and Feedback
FOR CONSIDERATION BY	Standards Committee on 22 October 2013
WARD	None Specific
STRATEGIC DIRECTOR	Susanne Nelson-Wehrmeyer, Director of Legal & Electoral Services

OUTCOME/BENEFIT TO THE COMMUNITY

To inform and feedback results of the Member Complaints process.

RECOMMENDATION

To note the report.

SUMMARY OF REPORT

There have been no new formal Code of Conduct complaints received by the Monitoring Officer since the last Standards Committee in June 2013. However, the first hearing under the revised local arrangements was held in August 2013 in respect of a complaint lodged in March 2013. Feedback has been received from Wokingham Town Council in respect of the complaints.

Background

Under the Council's Constitution the Monitoring Officer is required on a quarterly basis to provide a report to the Standards Committee setting out the number and nature of any complaints received, progress on any investigations and associated costs; and identify areas where training or other action might avoid further complaints.

Analysis of Issues

Wokingham Town Council gave feedback with regard to the investigation process of complaints made against two of their Councillors, one of which was found to be in breach of their Code of Conduct. The summary below refers only to that part of the feedback which could help with the process of complaints generally.

- The whole process was too far too long, from the initial complaint on 21st March to the outcome on 20th August 2013 (5 months). There were also long gaps in activity.
- Notification of the complaint and general communication with regard to keeping parties informed was good.
- Interviews could do with being more structured, possibly recorded.
- The complainant should not have a say as to whether the matter goes to a hearing or is dealt with informally.
- Transcripts of interviews were too widely circulated. Better to circulate the report only.
- There should be a summary sheet or flow chart about the process of the hearing. The 90 page document was too long.
- Layout of the room at the hearing was too confrontational; it was felt the process was heavily weighted against the Councillor being complained about.
- Definition of 'confidentiality' not clear in the Code of Conduct
- With regard to the availability of an Independent Person to be adviser to the Councillor being complained about, in this case both parties knew one another personally, so it was not appropriate. The other Independent Member was compromised by his involvement as one of the Members consulted by the Deputy Monitoring Officer. It is suggested that an arrangement could be made with another authority to use their independent person.
- The ability for the Town Clerk to gain support advice and guidance from the Monitoring officer was invaluable.

Response to feedback:

- There is general agreement that the investigation process was unacceptably too long, but it occurred at a time when many parties were on holiday. Fine tuning of the complaints and hearings procedure should remove much of the delay.
- The interviews could be recorded but only with consent of the interviewees. The interview notes are however sent to the interviewee to check that the notes of the meeting are correct, so it is thought there is no need for them to be recorded. In addition, interview recordings are generally transcribed, and this time consuming process would be a heavy resource on the Council.
- It is agreed that the complainant should not have a say as to whether the matter goes to a hearing, this is one of the changes being proposed.
- Interview notes are sent only to those who were interviewed to check that everything was covered and/or that nothing was missing. They are then included in the report to those making a decision. It is felt that this is a necessary part to

obtaining, and conveying all the facts of the case to enable Standards Committee members to make a fair decision.

- A summary sheet of the process can be done. It was felt that Standards Committee members should have as much information as possible to enable them to make a decision, so the whole section about procedure is put into the report, but this can also be summarised.
- The layout of the room is normal for any hearing process, where a decision is made by panel members which is imposed on an individual. It is unlike a committee meeting where there is general discussion amongst all those present.
- It is acknowledged that there is no definition of 'confidentiality' in the Code of Conduct, but in the past this has had a common sense aspect to it, so none was felt necessary. However, if members felt this should be changed, a definition could be put into the Code.
- With regard to the availability of an Independent Member to act as someone to give guidance, in this particular case the Deputy Monitoring officer offered to ask another local authority Independent Member to advise the Councillor concerned, but this offer was turned down. Asking an 'outside' Independent Member would always be offered to the Councillor being complained about if there were conflicts with our own Independent Members.
- The Monitoring Officer or Deputy Monitoring Officer will always offer to be on hand for advice to the Town or Parish Clerk if required.

Reasons for considering the report in Part 2

If the Committee decides to discuss the specifics of individual cases it may be necessary to consider excluding the public if that would involve the disclosure of exempt information.
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List of Background Papers

None.

Contact Kevin Jacob,	Service Business Assurance and Democratic Services
Telephone No 0118 974 6058	Email kevin.jacob@wokingham.gov.uk
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