

## DECISION ITEM

REPORT OF	MEETING	DATE	ITEM NO
MONITORING OFFICER	AUDIT AND STANDARDS COMMITTEE	15 NOVEMBER 2018	6

### COMPLAINT HANDLING ASSESSMENT CRITERIA

#### PUBLIC ITEM

This item is for consideration in the public part of the meeting.

#### SUMMARY

At the Audit and Standards committee held on 15<sup>th</sup> March 2018 it was noted that assessment criteria would be helpful for the Monitoring Officer to refer to in complaint handling. In particular this should underline that the council would not consider anonymous complaints.

This report brings forward some suggested criteria for the Committee to consider as a working draft to guide the Monitoring Officer. Members will be aware that the Committee on Standards in Public Life has been carrying out a review of local government ethical standards. Whilst it is not clear at this stage what recommendations will result from this piece of work, there has been some commentary that a national uniform Code of Conduct might be re-introduced, together with more robust sanctions. Therefore, at this stage, it is suggested that this criteria is used as guidance to assist the Monitoring Officer in her assessment of complaints until the national picture emerges.

#### RECOMMENDATIONS

1. To endorse the attached guidance to assist the Monitoring Officer in assessing complaints handling and that a further report be brought back in this regard once the outcome of the local government ethical standards review is known.

#### SUMMARY OF PREVIOUS DECISIONS

Audit & Standards Committee – 15<sup>th</sup> March 2018

#### CORPORATE PRIORITIES

Spending your money in the most efficient way to achieve excellent services ( <b>Value for Money</b> )	✓
Delivering the services that customers expect of an excellent council ( <b>Clean and Green</b> )	✓
Working with all partners ( <b>Vibrant Economy</b> )	✓
To make sure Fylde continues to be one of the most desirable places to live ( <b>A Great Place to Live</b> )	✓
Promoting Fylde as a great destination to visit ( <b>A Great Place to Visit</b> )	✓

## REPORT

1. It was noted at the 15<sup>th</sup> March 2018 meeting, that following discussion with the Council's independent persons regarding complaints, that assessment criteria would be helpful for the Monitoring Officer to refer to in complaint handing. In particular this could underline that the council would not consider anonymous complaints. It would also serve as a useful guide to those seeking to make complaints.
2. The committee resolved to ask the Monitoring Officer to prepare assessment criteria for future consideration by the committee and in the meantime underline that the council would not consider anonymous complaints with respect to standards issues.
3. This report brings forward such criteria for consideration.

IMPLICATIONS	
Finance	No direct implications
Legal	No direct implications
Community Safety	No direct implications
Human Rights and Equalities	No direct implications
Sustainability and Environmental Impact	No direct implications
Health & Safety and Risk Management	No direct implications

LEAD AUTHOR	CONTACT DETAILS	DATE
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BACKGROUND PAPERS		
Name of document	Date	Where available for inspection
Audit& Standards Committee	15 March 2018	<a href="#">A&amp;S Minutes</a>

Attached documents  
Appendix 1- Draft Assessment Criteria

## Assessment criteria – complaints in relation to the Code of Conduct for members

1. Complaints in relation to member misconduct are considered by the Council's Monitoring Officer who will generally consult with an Independent Person as to the course of action to be taken. The following points will be taken into consideration:
  - Was the member/co-optee acting in their capacity as a member/co-opted member at the time of the alleged misconduct?
  - Can the complaint be considered as being of a very minor/trivial nature, repetitious, politically motivate, vexatious or malicious? Does any of the other criteria relating to 'non-valid' complaints apply (see below)?
  - Is there public interest in the matter?
  - Is the cost to the public purse of an investigation proportionate to the merits of the complaint?
  - Is there sufficient information to enable a decision as to whether to investigate to be made? If not, what information is required?
2. Complaints against members will not be considered as 'valid complaints' in the following circumstances:
  - i) Complaints which are outside the scope of the Code of Conduct including where the member is not deemed to be acting in an official capacity
  - ii) Complaints which relate to an alleged failure to comply with the rules regarding Disclosable Pecuniary Interests, except where the Monitoring Officer considers, following any consideration and investigation of the complaint by the Police and consultation with an Independent Person, that the complaint raises a significant issue concerning the wider governance of the council.<sup>1</sup>
  - iii) Complaints which are submitted anonymously unless there are exceptional circumstances<sup>2</sup>
  - iv) Complaints which do not identify a subject member
  - v) Complaints relating to a person who is no longer a member of the Council or relating to incidents before the person became a member of the Council.
  - vi) Complaints containing trivial allegations which are disproportionate to the matter complained about or continue to focus on a minor point.
  - vii) Complaints that are politically motivated or "tit-for-tat", in the sense of a repeated exchange of allegations

- viii) Where a substantially similar complaint in respect of the member has already been considered by the Monitoring Officer or has been the subject of an investigation by other regulatory authorities.
  - ix) Complaints made more than three months of the conduct complained of, unless the Monitoring Officer satisfied (after consulting an Independent Person) are there exceptional circumstances that justify the complaint being considered.
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<sup>1</sup> These complaints will be redirected to the Police, subject to the complainant's agreement

<sup>2</sup> After consultation with an Independent Person