

## Procedure for Handling Complaints about Member Conduct

*(In this procedure references to the Assessment Sub-Committee and Review Sub-Committee are to be construed as meaning any Sub-Committee of the Council's Standards Committee convened for the purpose of assessing or reviewing complaints that a Member or co-opted Member of the Council may have failed to comply with the Council's Code of Conduct for Members)*

### Referrals to the Monitoring Officer

1. All complaints must be made in writing to the Council's Monitoring Officer (MO), Isabella Freeman, Assistant Chief Executive (Legal Services), Town Hall, Mulberry Place, 5 Clove Crescent, London E14 2BG (email: [isabella.freeman@towerhamlets.gov.uk](mailto:isabella.freeman@towerhamlets.gov.uk)).
2. The MO will maintain a confidential register of all complaints for the purpose of providing statistical returns to the Standards Board for England.
3. The MO will determine if a complaint constitutes an allegation that a Member may have failed to comply with the Council's Code of Conduct for Members and if so, refer the matter to the Assessment Sub-Committee of the Standards Committee subject to and in accordance with the following provisions.
4. Where the MO determines that a complaint relates to a matter which is not connected with the Code of Conduct, the MO will refer the matter to the appropriate person for a response and notify the complainant of this action.
5. Anonymous complaints will not be considered except in exceptional circumstances where the MO decides (in consultation with the Council's Chief Executive and the Chair of the Standards Committee) that the complaint raises a serious issue affecting the public interest which is capable of investigation without the need to ascertain the complainant's identity.
6. Where a complaint is made by one elected Member of the Council about the conduct of another elected Member of the Council and the MO considers after consultation with the Chair of the Standards Committee, that the matter might be capable of informal resolution, the MO will refer the matter to the appropriate group leader (or leaders) in the first instance before referring the complaint to the Assessment Sub-Committee.

**Deleted:** 7. Where a complaint is not made by an elected Member of the Council but the MO considers that the matter might be capable of informal resolution the MO will approach the Member against whom the allegation has been made to determine whether they are prepared to resolve the complaint informally. If the Member agrees to a proposal for informal action, the MO will contact the complainant to ascertain if they would be satisfied with this proposal before referring the complaint to the Assessment Sub-Committee.¶

### Referrals to the Assessment Sub-Committee

7. The MO will acknowledge receipt of all complaints in accordance with the provisions of this Procedure.

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8. Unless the MO considers that it would prejudice any potential investigation into the allegation or would otherwise be contrary to the public interest, the MO will also notify the Member against whom the complaint is made of receipt of the complaint, and provide the Member with an outline summary of the complaint.

9. Where a complaint is referred by the MO to the Assessment Sub-Committee, the MO may obtain such information as is available and would assist the Sub-Committee in assessing the complaint.

10. The MO will prepare a report for the Assessment Sub-Committee, including a copy of the complaint, the outcome of any informal resolution and such other information that the MO has obtained to assist the Sub-Committee in assessing the complaint.

11. The Assessment Sub-Committee will meet to consider any complaint within 20 working days of the MO having received the complaint (or as soon as reasonably practicable thereafter). The Assessment Sub-Committee will undertake an initial assessment to decide whether the complaint discloses an apparent failure to comply with the Code of Conduct and, if so, whether the complaint merits investigation or other action. The Sub-Committee will take one of the following courses of action:

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- a. Decide that no action should be taken in respect of the complaint.
- b. Ask for additional information from the complainant before completing the initial assessment.
- c. Refer the matter to the MO for consultation as to whether it would be appropriate for the Sub-Committee to refer the complaint to the MO with a direction for the MO to take other action, including training, conciliation or such appropriate steps as permitted by relevant legislation.

d. Refer the complaint to the MO, with an instruction that s/he arrange an investigation.

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e. If the complaint is sufficiently serious or there is a conflict of interest for the Standards Committee, refer the matter to the Standards Board for England.

f. Where the complaint is in respect of a person who is no longer a Member of the Council, but is a Member of another relevant authority (as defined in Section 49 of the Local Government Act 2000), refer the allegation to the MO of that other relevant authority.

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12. Meetings of the Assessment Sub-Committee are held in private and there is no public right of access to documentation considered by the Sub-Committee.

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13. The MO will notify the complainant and the Member concerned of the Sub-Committee's decision and the reasons for it. The MO will at the same time provide the Member concerned with the Assessment Sub-Committee's written summary of the complaint unless to do so would prejudice any investigation of the complaint or otherwise be contrary to the public interest.

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### Referrals to the Review Sub-Committee

14. Where the Assessment Sub-Committee decides that no action should be taken in respect of a complaint, the complainant may within 30 days of being notified of that decision by the MO, request that the Review Sub-Committee review that decision.

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15. If the complainant requests a review, the MO will prepare a report for the Review Sub-Committee including the information which was provided to the Assessment Sub-Committee in respect of the complaint, the Assessment Sub-Committee's written summary of the complaint and any additional relevant information which has become available prior to the meeting of the Review Sub-Committee.

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16. The Review Sub-Committee will meet within 3 months of the MO having received the complainant's request, review the decision of the Assessment Sub-Committee and take one of the following courses of action:

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a. Decide that no action should be taken in respect of the complaint.

b. Ask for additional information from the complainant before completing the review.

c. Refer the matter to the MO for consultation as to whether it would be appropriate for the Sub-Committee to refer the complaint to the MO with a direction for the MO to take other action, including training, conciliation or such appropriate steps as permitted by relevant legislation.

d. Refer the complaint to the MO with an instruction that s/he arrange an investigation.

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d. If the complaint is sufficiently serious or there is a conflict of interest for the Standards Committee, refer the matter to the Standards Board for England.

e. Where the complaint is in respect of a person who is no longer a Member of the Council, but is a Member of another relevant authority

(as defined in Section 49 of the Local Government Act 2000), refer the allegation to the Monitoring Officer of that other relevant authority.

| ~~17.~~ Meetings of the Review Sub-Committee are held in private and there is no public right of access to documentation considered by the Sub-Committee. Deleted: 8

| ~~18.~~ The MO will notify the complainant and the Member concerned of the Sub-Committee's decision and the reasons for it. The MO will at the same time provide the Member concerned with the Review Sub-Committee's written summary of the complaint unless to do so would prejudice any investigation of the complaint or otherwise be contrary to the public interest. Deleted: 9

### **Referrals to the MO for Investigation**

| ~~19.~~ Where the Assessment Sub-Committee or the Review Sub-Committee refer a complaint to the MO for investigation, the MO will not normally personally conduct that investigation but will arrange for another senior Council officer, a senior officer of another authority or an appropriately experienced external investigator to carry out the investigation (the investigating officer [IO]). Deleted: 20

| ~~20.~~ Once the investigation is completed the MO will prepare a further report for the Assessment Sub-Committee including the IO's report and any other relevant information. Deleted: 1

| ~~21.~~ The Assessment Sub-Committee will meet to determine whether:  
a. It accepts any finding by the IO of no failure to observe the Code of Conduct; or  
b. the matter should be referred for consideration at a hearing before the Hearings Sub-Committee of the Standards Committee; or  
c. the matter should be referred to the Adjudication Panel for England for determination. Deleted: 2

| ~~22.~~ Where the Sub-Committee resolves to do any of the actions set out in b or c above, the Sub-Committee shall state its reasons for that decision. Deleted: 3

| ~~23.~~ Where the Assessment Sub-Committee refers the matter for hearing by the Hearings-Sub Committee, the Hearings Sub-Committee shall meet in sufficient time to enable it to consider at a hearing the outcome of an investigation within 3 months of the Monitoring Officer having received the IO's investigation report. Deleted: 4

| ~~24.~~ The Council's Standards Committee has adopted separate procedures which apply to the pre-hearing process and the procedure for hearings before the Hearings Sub-Committee. Deleted: 5

20 January 2009

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