

REVIEW OF CODE OF CONDUCT COMPLAINTS

Head of Service:	Olwen Brown, Monitoring Officer
Wards affected:	(All Wards);
Urgent Decision?(yes/no)	No
If yes, reason urgent decision required:	
Appendices (attached):	Appendix 1: LGA Model Councillor Code of Conduct

Summary

To provide an update on complaints made under the Code of Conduct for Members from 1/1/2021 to 1/01/2022 and the steps taken to promote and maintain high standards of conduct by Members.

Recommendations:

The Committee is asked to:

- (1) Note there have been no complaints between 1 January 2021 to the 1 January 2022;
- (2) Note there was one self-referral under the Code of Conduct between 1 January 2021 and 1 January 2022; which did not lead to an investigation.
- (3) Consider the actions to be taken to promote and maintain high standards of conduct by Members and ensure complaints are managed properly.

1 Reason for Recommendation

- 1.1 To assist and advise the Council in meeting its duty to promote and maintain high standards of conduct by its Members.

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2 Background

- 2.1 Annual reporting of member complaints is a standing item on the Committee's agenda. This is the first report since reporting was introduced as a standing item. It covers a 12-month reporting cycle; as the committee meeting which would have been held in December 2021 was cancelled. The next report (December 2022) will be brought as part of an annual cycle.
- 2.2 The Code of Conduct for Members was approved by Standards Committee and then Council in April 2019. It has been invoked for several complaints since its introduction and is generally felt to work well.
- 2.3 The Code together with the complaints process and the arrangements for dealing with complaints; is contained within one document set out in the Constitution; as it was felt that this helps complainants and members understand from the start what the process will be when a complaint is made. Equally, the time limits for acknowledging receipt of a complaint (10 working days) and deciding whether to investigate the complaint (15 working days) are thought to work well.
- 2.4 There have been no complaints made under the Code about member conduct between 1 January 2021 and 31 January 2022.
- 2.5 There was one self-referral complaint during this time made by members. Following consideration by the then Monitoring Officer it was decided that the referral did not merit any further action.

Learning Lessons

- 2.6 Although there were no new complaints during the relevant period, the Council has relied on its *Managing unreasonable customer behaviour* policy in respect of a repeat complaint about a closed matter.
- 2.7 Complaints must be managed in way that is fair to both the complainant and members. Identifying a genuine cause for complaint that requires further investigation is integral. This is working well. The reason it works well is that relevant officers are experienced in local government and familiar with conduct requirements of elected members. The necessary involvement of the Independent Person if a complaint is made is also helpful.
- 2.8 By contrast, it has proved sometimes difficult to control unreasonable and vexatious complaints. i.e., to manage a complainant after a complaint is closed. Plainly it is important to have in place safeguards to protect members from unreasonable conduct which includes protecting members from complainants who harass them by repeating requests to investigate false complaints or matters that are not about a member's conduct.

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Other

- 2.9 Under the Local Government Acts of 2000 and 1972 new members are required to sign a declaration of acceptance. There is no further legal requirement to undertake an induction/training at that time, although the provision of training on a range of relevant subjects is generally felt to be extremely important and valuable.
- 2.10 Members receive training on the Code as part of member development, and for new members it is important at an early stage that they are made aware of the standards of conduct and what is expected of them. Equally, it can be useful to remind existing members of these matters. Training on this does not stand alone and so will be reviewed by officers as part of the Member Development Programme.
- 2.11 Although the existing Code is felt to be working well, the LGA has developed a Model Councillor Code of Conduct (2020), providing a template for councils to adopt. This has been adopted by a number of Councils, sometimes with local amendments. This is included at Appendix 1. The LGA have also produced [guidance on complaints handling](#).
- 2.12 The Model Councillor Code of Conduct and guidance on complaints handling are included for information purposes only at this stage, but it is anticipated that at a future meeting the Committee will be asked to consider whether to recommend the adoption of this Model Code, with or without amendments, and with consideration of the necessary accompanying complaint processes and arrangements to Council.

3 Risk Assessment

Legal or other duties

3.1 Impact Assessment

3.1.1 None for the purposes of this report.

3.2 Crime & Disorder

3.2.1 None for the purposes of this report.

3.3 Safeguarding

3.3.1 None for the purposes of this report.

3.4 Dependencies

3.4.1 None for the purposes of this report.

3.5 Other

3.5.1 None.

4 Financial Implications

- 4.1 **Section 151 Officer's comments:** None arising from the contents of this report.

5 Legal Implications

- 5.1 These have been incorporated within the body of the report.
- 5.2 **Monitoring Officer's comments:** These have been incorporated within the body of the report.

6 Policies, Plans & Partnerships

- 6.1 **Council's Key Priorities:** The following Key Priorities are engaged: Effective Council.
- 6.2 **Service Plans:** The matter is not included within the current Service Delivery Plan.
- 6.3 **Climate & Environmental Impact of recommendations:** None
- 6.4 **Sustainability Policy & Community Safety Implications:** None
- 6.5 **Partnerships:** None

7 Background papers

- 7.1 The documents referred to in compiling this report are as follows:

Previous reports:

- Previous Review of Code of Conduct Complaints 18 January 2021

Other papers:

- [LGA Guidance on Member Model Code of Conduct Complaints Handling](#)
- Managing unreasonable customer behaviour, July 2019
https://www.epsom-ewell.gov.uk/sites/default/files/documents/council/Unacceptable%20Customer%20Behaviour%20Policy%20-%20July%202019_1.pdf