

Local Members Interest
N/A

Audit and Standards Committee – Tuesday 13 July 2021

Code of Conduct for Members – Report on the Management of Complaints (October 2020 – May 2021)

Recommendations

I recommend that:

- a. The Committee note the information contained in this report; and
- b. Make any recommendations that they think fit to assist in respect of the management of Member complaints.

Report of the Director for Corporate Services

Report

Complaints Management and Number of Cases October 2020 – May 2021

1. My usual practice is to report to this Committee's March meeting each year on the management of complaints against elected members during the preceding calendar year. Last year, due to COVID 19, I was unable to report in March 2020. The information was collated on complaints for the full period January 2019 to September 2020.
2. For this year's report I have collated information on complaints from the period October 2020 to May 2021 in order to bring members up to date on activity and to correspond, as closely as possible, with the production of the Annual Governance Statement
3. The County Council has its own Code of Conduct for members prepared in accordance with the requirements of the Localism Act 2011. The Council's Code was revised and a new code adopted in 2021 in line with the Local Government Association's Model Code of Conduct for Members which was called for by the Committee on Standards in Public Life (CSPL).
4. Whilst members might aim to adopt high standards of conduct all of the time, there are occasions when members of the public are unhappy about the way a member of the County Council has behaved. The Localism Act 2011 requires local authorities to have arrangements in place, including provisions for the involvement of an 'Independent Person', to deal with formal complaints against members.
5. The Authority has two Independent Persons - Mr Tom Roach and Mrs Christina Robotham.

6. Members of the public wishing to lodge a complaint about a member can do so either on-line or in writing to the Monitoring Officer. At an early stage the Monitoring Officer assesses the allegation and consults one of the Independent Persons on whether the allegation, if proved, involves a breach of the Code. If this is the case a further assessment is made on whether the issue can be dealt with by the Monitoring Officer under delegated authority, or, in serious cases, by a Panel of members.

Complaints considered by the Monitoring Officer

7. These are complaints for which the Monitoring Officer, in consultation with the Independent Person, feels that appropriate remedy would be:
 - a. a formal apology by the member concerned to the complainant, or
 - b. training, or
 - c. both an apology and training

Complaints considered by a Panel of the Audit and Standards Committee

8. Where the Monitoring Officer, in consultation with the Independent Person, thinks that it is not appropriate for the Monitoring Officer to deal with the complaint or that more serious sanctions might be appropriate, the complaint will be referred to a Panel of up to five members taken from the full membership of this Committee. The sanctions available are wider including recommendations that the member be removed from a particular committee or outside body and the issuing of an appropriate press release.

Issues dealt with during October 2020 – May 2021

9. In this reporting period 14 complaints were received and concluded. There are currently two further complaints under consideration. Details of the 14 complaints and agreed action are shown at Appendix 1 to this report.
10. As members will see, the complaints fall into 4 broad categories: Use of Social Media; Failure to respond to correspondence; Abuse of power and Failure to follow procedures. All have been considered, or are in the process of being considered, in line with the agreed process and have involved consultation with an Independent Person. The actions listed demonstrate the respect held by members for the Code of Conduct, with swift action taken by those found to be at fault with 'lower level' breaches, and formal action taken on those breaches that merit formal action.
11. The summary of complaints also demonstrates the importance of the Council's action in early 2020 to strengthen its Code in relation to the use of Social Media.

Legal Implications

12. The County Council is required to have a formal complaints procedure for the handling of complaints about elected members.

Risk Implications

13. Compliance with the requirement to have a Code of Conduct for members and a local process to deal with alleged breaches of that Code arrangements addresses the risk of challenge to the governance arrangements of the Council.

List of Background Documents/Appendices:

Appendix 1 - Complaints against Elected Members – October 2020 – May 2021

Contact Details

Report Author: Chris Ebberley
Job Title: Member & Democratic Services Officer
Telephone No.: 07813 542578
E-Mail Address: chris.ebberley@staffordshire.gov.uk