



**REPORT of  
MONITORING OFFICER**

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**to  
JOINT STANDARDS COMMITTEE  
17 AUGUST 2021**

**CONSULTATION ON COMPLAINTS PROCESS AND AMENDMENTS TO THE ARTICLES  
FOR STANDARDS ARRANGEMENTS**

**1. PURPOSE OF THE REPORT**

- 1.1 To consider the response to the consultation on the complaints process and recommend to Council amendment of the Articles of the Constitution.

**2. RECOMMENDATION**

**To the Council:**

That the changes shown in **APPENDIX 1** to the Articles for Standards Arrangements and especially to the complaints process be approved.

**3. SUMMARY OF KEY ISSUES**

- 3.1 On 24 May 2021 the Monitoring Officer sent out an all member email requesting Members' views on the working of the complaints process. Below are set out those responses in the order they were received which extend beyond the complaints process itself:
  - a) Filtering of complaints are essential. There should be a review as to who should be involved. Referrals up and down the procedure should be avoided such as referring a matter to Joint Standards Committee for a decision on whether a complaint should be investigated;
  - b) Properly trained members of Joint Standards Committee and decision-making templates could aid objective decision making by members;
  - c) The names of the Independent Persons should be updated;
  - d) A lack of confidence about the nomination of Parish Council representatives and an alternative route from the Essex Association for Local Councils (EALC) for nomination should be employed;
  - e) The period of 25 days for discussion with the Independent Person is too long;
  - f) Group Leaders should not be involved in the process at all because it leaves too much scope for matters to be "swept under the carpet";

- g) The 5-day rule about informing a councillor that s/he is the subject of the complaint should begin when the communication arrives at the Council and not when passed to the Monitoring Officer;
- h) Gathering all information, including the councillor response, is important prior to consulting with the Independent Person;
- i) When notified the councillor should be sent a copy of the complaints process;
- j) The Leader of the relevant political group and the Leader of the Council should be informed of the decision made by the Monitoring Officer and Independent Person about the next step in the process.

3.2 The officer response to these suggestions is as follows:

- a) It is agreed that the filtering process is important. Presently the Monitoring Officer has a meeting on Microsoft Teams with the Independent Person and they agree the next step in the process. The Independent Person provides his written advice following the meeting. Of the 11 complaints made since January 2021 only 2 have been referred for formal investigation. This shows that the filtering process is rigorous and only the serious cases are referred for investigation;
- b) Training is important, and training was given last year by the Independent Person. I do not know how decision-making templates can help. At each hearing there is a procedure note setting out the stages that need to be followed along with a procedures report;
- c) Agreed and this has been done in the changes shown in the **APPENDIX 1**;
- d) Agreed and a change is suggested in the **APPENDIX 1**;
- e) A change is shown in the **APPENDIX 1**;
- f) Agreed but Group Leaders could be informed of decisions in relation to their members on a confidential basis;
- g) Agreed and this is the present position. If a complaint is received by another officer who does not recognise that it is a code of conduct complaint there may be a delay outside the control of the Monitoring Officer. The present Monitoring Officer only knows of 1 case where this happened in the last 4 years with an estimate of over 50 complaints. In all other complaints the 5-day rule has been complied with (a 98% compliance rate);
- h) The present practice is that the Monitoring Officer only consults the Independent Person once satisfied he has the information necessary to decide what should be the next step. It is important that the Monitoring Officer does not turn the initial assessment into a formal investigation itself;
- i) This is on the website and so is a duplication, but it can be done. A change has been proposed in the **APPENDIX1**;
- j) (See response to f).

#### **4. CONCLUSION**

4.1 Please see changes proposed to the Articles in **APPENDIX 1**.

#### **5. IMPACT ON STRATEGIC THEMES**

5.1 None

#### **6. IMPLICATIONS**

- (i) **Impact on Customers** – None
- (ii) **Impact on Equalities** – None
- (iii) **Impact on Risk** – None
- (iv) **Impact on Resources (financial)** – None
- (v) **Impact on Resources (human)** – None
- (vi) **Impact on the Environment** – None
- (vii) **Impact on Strengthening Communities** - None

Background Papers: Consultation responses from members

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