

**Standards Committee : 24 February 2009**

**Terms of Reference for a Review of Local Determination**

<b>Is it likely to result in spending or saving £250k or more, or to have a significant effect on two or more electoral wards?</b>	<b>Yes / No or “not applicable” If yes give reason why</b>  N/A
<b>Is it in the Council’s Forward Plan?</b>	<b>Yes/ No or “not applicable” If yes give date it first went in</b>  N/A
<b>Is it eligible for “call in” by Scrutiny?</b>	<b>Yes/ No or “not applicable” If no give reason why not</b>  N/A
<b>Cabinet member portfolio</b>	<b>Corporate</b>

**Electoral wards affected and ward councillors consulted: N/A**

**Public or private: Public**

**1. Purpose of report**

To seek approval from the Committee for the terms of reference for a review into the system of local determination of complaints.

**2. Key points**

It is now nine months since the implementation of local determination of complaints. Since May 2008, any complaint made against a member of Kirklees Council or a member of any of the parishes within the Kirklees area, that they have breached the Member Code of Conduct are now considered by the Standards Committee. This is a significant change, and the Committee has spent a lot of time in setting up processes which not only comply with statute, regulation and guidance, but which are practical to administer and fair to all parties involved.

It is the intention of the Chair to produce an annual report which will be presented to the Committee in June 2009. As part of the preparation for that report, it is timely to consider a formal review of the local determination

process so far. It is suggested that the terms of reference and the content of the review are as follows:

### Who undertakes the review?

It is suggested that the Chair of the Committee, together with one Kirklees councillor and one parish councillor undertake the review, assisted by the Monitoring Officer.

### Work programme

A possible format would be for the group to meet to agree detailed terms of reference, what questions they would want answered, what information they want to be gathered and who they would wish to speak with. The work can be undertaken over the course of 4-6 weeks with assistance from the Monitoring Officer. The group could ask the Monitoring Officer to prepare a draft report for them to consider at a further meeting, and once they have finalised that it can be fed back to the Committee.

### Areas for the review to consider

- Is the system accessible to complainants?
- Has there been sufficient publicity of the new system and, if not, what more could be done to publicise the system?
- What do complainants feel about the process that they have been through? (Members may wish to consider speaking directly with complainants or alternatively by way of questionnaire or letter to see what their personal experience has been.)
- Similarly, what has been the experience of the subject member going through the process. Again, members may wish to consider speaking with subject members to ascertain their views.
- Is information about the system clear and easily understandable by complainants and subject members?
- Are there any trends in the type of complaint being made which would cause concern, or equally trends in the type of complainant?
- Looking at the numbers of complaints and those referred, is the threshold for referring a matter for investigation being implemented satisfactorily, or are too many or too few complaints being referred for investigation? (The Committee may wish here to consider specific complaints which have been completed, so far as that is possible.)
- Have the recommended timescales laid down by the Standards Board been complied with in terms of assessment, investigation and hearing of complaints? If not, what could be done to ensure they are met in the

future?

- What issues or problems have the investigators faced in their work? (Members may wish to speak to the investigators directly.)
- Has the training of members been sufficient to enable them to deal confidently and competently with complaints?

Members may also wish to consider additional areas which are appropriate to consider as part of this review.

### **3. Implications for the Council**

It is essential that the local determination of complaints is seen by the public and elected members to be fair and robust. The process is relatively new, and has been a learning experience for all involved. The review will therefore help to identify any learning points for the future.

### **4. Consultees and their opinions**

N/A

### **5. Officer recommendations and reasons**

Members are asked to agree to a review and outline terms of reference, and also to agree a panel who will conduct the review.

### **6. Cabinet portfolio holder recommendation**

N/A

### **7. Next steps**

N/A

### **8. Contact officer and relevant papers**

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