

KIRKLEES COUNCIL STANDARDS COMMITTEE

Complaining about the behaviour of members of Kirklees Council, Denby Dale Parish Council, Holme Valley Parish Council, Kirkburton Parish Council, Meltham Town Council or Mirfield Town Council

If you want to make a complaint about the conduct of a member of one of these councils, you must write to the Kirklees Council Standards Committee at the address below. The Standards Committee publishes information on how to make a complaint on the Kirklees Council website and the details are set out below. If you do not have access to the internet you can contact the Standards Committee for information about how to make a complaint using the telephone number below.

What is the Kirklees Council Standards Committee?

The Standards Committee is a group of people appointed by Kirklees Council to help maintain and promote high ethical standards. The Standards Committee is made up of Kirklees councillors, councillors from the parish and town councils listed above and independent members (who are not councillors or employees of Kirklees Council or of the town and parish councils). The chair of the Standards Committee is an independent member.

What complaints does the Standards Committee deal with?

The Standards Committee can only deal with complaints about the behaviour of a member of Kirklees Council or a member of one of the town or parish councils. For this purpose members include people who are not elected to a council but who sit on committees or sub-committees of the council and who have voting rights. It will not deal with complaints about things that are not covered by the Code of Conduct for Councillors and Voting Co-optees which has been adopted by the member's council. Copies of the relevant Codes of Conduct can be obtained from the relevant parish and town councils and the Kirklees Council Code of Conduct is available on its website where it forms part of the council's constitution.

If you make a complaint to the Standards Committee it must be in writing. You should use the form provided by the Standards Committee. Any complaint should make it clear who it is about and why you think they have not followed

the Code of Conduct. Standards committees will not look at complaints that are about:

- People employed by the council.
- Incidents that happened before a member was elected or chosen to serve.
- Incidents that happened either before the authority adopted the Code of Conduct or before 5 May 2002, whichever is earlier.
- The way a council conducts or records its meetings.
- The way a council has or has not done something. This may be a matter for the Local Government Ombudsman if the council has not dealt with the matter properly and it has not been resolved locally.
- Decisions of the council or which are about one of the services it provides. In this case, you should ask how to complain using the relevant council's own complaints system.

What will happen to your complaint?

Once you have made a complaint, you will be told in writing what will happen to it. A meeting will be set up, of no less than three members of the committee to decide what should happen next. The meeting will be held in private and chaired by one of the independent members of the Standards Committee. Neither the person making the complaint nor the member complained about can attend the meeting. This meeting should be held within 20 days. This sub-committee can decide to:

- Investigate your complaint.
- Take some other action (which would consist of some form of conflict resolution, mediation or training).
- Send it to the Standards Board for England to investigate.
- Send it to the standards committee of another authority if the member belongs to that authority, or one of the parish or town councils that come under it.
- Take no further action.

What if the standards committee decides to take no further action and you don't agree?

The Standards Committee should take reasonable steps to tell you the reason for its decision. You may not agree with the reasons, or think that it did not make the decision properly, or you may have new information that you think might affect its decision. If so, you can ask that the decision be reviewed. You have to ask it to do this in writing within 30 calendar days of receiving its decision.

The Standards Committee must consider your request within three months. The decision will be reviewed by a sub-committee consisting of at least three members of the Standards Committee. None of the people who made the original decision are allowed to take part in the review. This meeting will be

chaired by one of the independent people on the Standards Committee. They can uphold the original decision or overturn it, and will tell you in writing what they have decided.

What is the Standards Board for England's role?

The Standards Board is the national regulator for standards matters in England. They:

- Require councils to tell them how well they are dealing with complaints about the conduct of their members.
- Work with standards committees to help them improve if they do not deal with complaints about their members properly.
- Give standards committees and councillors guidance on understanding the Code of Conduct and how to deal with complaints about the conduct of members of their council.
- Can take away the power of the standards committee to receive complaints about their members if they believe it necessary.
- Investigate the most serious cases where the local standards committee believes it is not best placed to deal with the matter and they agree with them.
- Publish information about how councils are dealing with complaints about their members.

The Standards Board for England's website is at www.standardsboard.gov.uk and contains more information about the Board's functions.

If you are unsure about what to do with your complaint or about the procedure which will apply, please contact Susan Betteridge, Monitoring Officer, by:

Telephone: 01484 221720
Email: susan.betteridge@kirklees.gov.uk
Post: Susan Betteridge, Monitoring Officer
Kirklees Council Standards Committee
PO Box 1274
Huddersfield HD1 2WZ

The Kirklees Code of Conduct can be found on the Kirklees website at www.kirklees.gov.uk where it forms part of the Council's Constitution.

If you do not have access to the internet, copies of the Kirklees Code can be obtained from Susan Betteridge as above. If you require a copy of a town or parish council's Code of Conduct, the councils can be contacted at:

Denby Dale Parish Council
Council Offices
24 Commercial Road
Skelmanthorpe

Huddesfield
HD8 9DA

Tel/Fax: **01484 222963**
Email: denbydaleparishcouncil@kirklees.gov.uk
Parish website: www.denbydale.com

Holme Valley Parish Council
Council Offices
Huddersfield Road
Holmfirth
HD9 3JP

Tel: **01484 222462**
E-mail: clerk@holmevalleyparishcouncil.gov.uk
admin@holmevalleyparishcouncil.gov.uk

Kirkburton Parish Council
Burton Village Hall
Northfield Lane
Highburton
Huddersfield
HD8 OQT

Tel/Fax: **01484 604391**
Email: angela.royle@kbpc.co.uk
Website: www.kbpc.co.uk

Meltham Town Council
Town Hall
Meltham
Huddersfield
HD9 4AG

Tel/Fax: **01484 852367**
Email: melthamcouncil@btconnect.com
Parish website: www.melthamtowncouncil.gov.uk

Mirfield Town Council
Council Offices
Huddersfield Road
WF14 8BA

Tel: **01924 499240**
Email: administrator@mirfieldtowncouncil.gov.uk
Website: www.mirfieldtowncouncil.gov.uk

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ANNEX B

KIRKLEES COUNCIL STANDARDS COMMITTEE

QUESTIONNAIRE FOR COMPLAINANTS

The purpose of this questionnaire is to provide the Standards Committee with information about the experience of people who have made complaints about the conduct of members with a view to improving the system where possible. Not all of the questions will be relevant to your complaint depending upon how it has been dealt with. This questionnaire is not concerned with the outcomes of individual complaints.

Information about making a complaint

Q1 Before you wished to make a complaint, were you aware that there was a system for making complaints about member conduct?

Y / N

Q2 If you knew there was a complaints system, how did you know?

Q3 If you did not know there was a complaints system, how easy was it to find out how to make a complaint?

Q4 Is there any information about the process which you did not have which would have helped you in making your complaint?

Q5 How easy was the complaint form to use? Could it be improved?

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The assessment process

Q6 Did you understand how the assessment process would be applied to your complaint ie that the Local Assessment Sub-committee would decide whether your complaint would be referred for investigation, referred for other action, referred to the Standards Board for England or a decision made that no further action should be taken?

Q7 If the Local Assessment Sub-Committee decided that no further action should be taken on your complaint, were you aware that you could ask the Review Sub-Committee to reconsider that decision?

Y / N

Q8 Did you understand the Notice of Decision provided after the Sub-committee meeting and what would happen next?

Y / N

Other Action

Q9 If your complaint was referred for other action rather than an investigation, how did you find the process and did you have enough information about what was happening?

No further action

Q10 If the decision of the Sub-Committee was to take no further action on your complaint, did you understand the reasons for the decision, even if you disagreed with it?

Y / N

Investigation

Q11 If your complaint was referred for investigation, were you contacted by the investigator within 10 working days of the notification that your complaint would be investigated?

Y / N

Q12 Did you understand what would be involved in the investigation process?

Y / N

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Q13 If you were interviewed by the investigator, did you receive sufficient information in advance of the interview about how the interview would be conducted and were you clear that you could have another person of your choice present? Y / N

Q14 At interview, did the investigator provide you with a preamble document setting out the basis of the interview? Y / N

Q15 Was the interview conducted in a courteous and thorough manner and did you get the opportunity to say what you wanted to say? Y / N

Q16 Do you have any other comments about the interview itself?

Q17 Did the investigator provide you with a record of interview or transcript for your comments promptly after the interview? Y / N

Q18 Did the investigator keep you sufficiently informed about progress on the investigation and the likely completion date? Y / N

Q19 Were you provided with a copy of the investigator's draft report and invited to comment upon it? Y / N

Q20 Were you provided with a copy of the investigator's final report and told what would happen next? Y / N

The Hearing Process

Q21 Were you advised of the outcome of the Consideration Hearing (where the Hearings Sub-committee decides what to do in response to the report)? Y / N

Q22 If your complaint proceeded to a Determination Hearing (where the Hearings Sub-committee conducts a hearing about the complaint and hears evidence from the relevant parties) did you have sufficient information in advance about what would happen at the hearing? Y / N

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Q23 If your complaint proceeded to a Determination Hearing, and if you attended the hearing, did you have sufficient information to understand what was happening at the hearing?

Q24 If your complaint proceeded to a Determination Hearing, did you get the opportunity to say what you wanted to say and to present your evidence? Did you feel that it was or would have been helpful to have been represented at the hearing by a solicitor, barrister or other advocate?

Q25 Did you understand what decision had been made at the end of the hearing?

Q26 Did you receive a written decision from the Hearings Sub-Committee within 7 days of the hearing?

General

Q27 What was your overall impression of the complaints process? (It would be helpful if you could focus on the process rather than the outcome for your complaint.). Is there anything which could be done to make the process easier for people wanting to make complaints?

Q26 Would you be prepared to speak to an officer of the Council about your responses to this questionnaire?

**KIRKLEES COUNCIL STANDARDS COMMITTEE
QUESTIONNAIRE FOR SUBJECT MEMBERS**

The purpose of this questionnaire is to provide the Standards Committee with information about the experience of members who have had complaints made about their conduct with a view to improving the system where possible. Not all of the questions will be relevant to the complaint about you depending upon how it has been dealt with. This questionnaire is not concerned with the outcomes of individual complaints.

Information about making a complaint

Q1 Before you were complained about, were you aware that there was a system for people to make complaints about members breaching the Council's Code of Conduct?

Y / N

Q2 If you knew there was a complaints system, how did you know?

Q3 If you did not know there was a complaints system, how easy was it to find out about the procedures for handling complaints?

Q4 Is there any information about the process which you did not have which would have helped you in dealing with the complaint about you?

Q5 Was the information provided to you about the complaint at the outset sufficient?

The assessment process

Q6 Did you understand how the assessment process would be applied to the complaint about you ie that the Local Assessment Sub-committee would decide whether the complaint would be referred for investigation, referred for other action, referred to the Standards Board for England or a decision made that no further action should be taken?

Y / N

Q7 Did you understand that if the Local Assessment Sub-Committee decided that no further action should be taken on the complaint, the complainant could ask the Review Sub-Committee to reconsider that decision?

Y / N

Q8 How did you feel about the limited amount of information available to you at the initial stage of the complaints process?

Q9 Did you understand the Notice of Decision provided after the Sub-committee meeting and what would happen next?

Y / N

Other Action

Q10 If your complaint was referred for other action rather than an investigation, how did you find the process and did you have enough information about what was happening?

No further action

Q11 If the decision of the Sub-Committee was to take no further action on the complaint, did you understand the reasons for the decision?

Y / N

Investigation

Q12 If the complaint was referred for investigation, were you contacted promptly by the investigator? Y / N

Q13 Did you understand what would be involved in the investigation process? Y / N

Q14 If you were interviewed by the investigator, did you receive sufficient information in advance of the interview about how the interview would be conducted and were you clear that you could have another person of your choice present? Y / N

Q15 At interview, did the investigator provide you with a preamble document setting out the basis of the interview? Y / N

Q16 Was the interview conducted in a courteous and thorough manner and did you get the opportunity to say what you wanted to say? Y / N

Q17 Do you have any other comments about the interview itself?

Q18 Did the investigator provide you with a record of interview or transcript for your comments promptly after the interview? Y / N

Q19 Did the investigator keep you sufficiently informed about progress on the investigation and the likely completion date? Y / N

Q20 Were you provided with a copy of the investigator's draft report and invited to comment upon it? Y / N

Q21 Were you provided with a copy of the investigator's final report and told what would happen next? Y / N

The Hearing Process

Q22 Were you advised of the outcome of the Consideration Hearing (where the Hearings Sub-committee decides what to do in response to the report)? Y / N

Q23 If your complaint proceeded to a Determination Hearing (where the Hearings Sub-committee conducts a hearing about the complaint and hears evidence from the relevant parties) did you have sufficient information in advance about what would happen at the hearing? Y / N

Q24 If your complaint proceeded to a Determination Hearing, and if you attended the hearing, did you have sufficient information to understand what was happening at the hearing? Y / N

Q25 If your complaint proceeded to a Determination Hearing, did you get the opportunity to say what you wanted to say and to present your evidence? Did you feel that it was or would have been helpful to have been represented at the hearing by a solicitor, barrister or other advocate?

Q26 Did you understand what decision had been made at the end of the hearing? Y / N

Q27 Did you receive a written decision from the Hearings Sub-Committee within 7 days of the hearing? Y / N

General

Q28 What was your overall impression of the complaints process? (It would be helpful if you could focus on the process rather than the outcome for your complaint.)

Q29 Would you be prepared to speak to an officer of the Council about your responses to this questionnaire? Y / N

COMMENTS FROM MEMBERS OF THE COMMITTEE ABOUT THEIR EXPERIENCE OF LOCAL DETERMINATION

Committee members have been sent two questionnaires, one on general matters around their experience of sitting on sub-committees and the main Committee, and a second one on their training needs.

From the responses on the training requirements, there was general satisfaction about the content, style and delivery of the sessions delivered so far.

In terms of other training and development needs, the following were the most popular:

- How decisions are made in the Council;
- Member/officer working relationships;
- The role and operation of town and parish councils.

These training needs have been included in the training plan which is presented separately to this Committee.

General experience of sitting on the Committee to date:

1. Would you prefer to have the papers for assessment sub-committees in advance of the Committee?

Answer: Yes. This has now been implemented and no problems have arisen so far.

2. Has your training so far been relevant, timely and easy to understand?

Answer: Yes.

3. Do you feel you have sufficient knowledge and experience to make the necessary judgements both in the main Standards Committee and in the assessment sub-committee meetings? If not, then what would help you to feel more comfortable about that?

Answer: Those members who were not Kirklees members would welcome more information about relationships between members and also between members and officers. The external members on the Committee have recently attended a sitting of a planning sub-committee to see how they operate in the context of the different relationships. Attendance at a full Council meeting is also planned. It is suggested that this be offered to all external and parish council members.

4. Has the advice tendered by the legal officers who support the Committee and the assessment sub-committees been useful? Do you consider that they get the balance right between being advisory rather than persuasive?

Answer: The general view was that the legal officers had been advisory rather than persuasive.

5. (To Kirklees Council members) Have you found it difficult judging a colleague elected member?

Answer: No, the Committee members were able to be impartial and independent.

6. Do you feel that all members of the Committee can be, and are being, objective in their considerations?

Answer: All respondents felt that this was the case.

7. If you could change anything about the assessment process, what would that be?

Answer: Three respondents wanted to have some form of response from the subject member at the assessment sub-committee, as it was one-sided.

8. Have you ever looked at the Standards Board for England website, and did you find it useful?

Answer: Generally, members had looked at the website and found it useful.

9. Do you feel able to participate fully in the new determination process? If not, what is stopping you?

Answer: One parish councillor found the language used by Kirklees members to be rather alien, and required a considerable amount of "tuning in" to. That meant that they found participation in the assessment sub-committees easier than the main Committee itself. Other respondents had no problems participating fully in the process.

10. Have you any other concerns that you may wish the review to take into consideration?

Answer: One parish member would have liked a better induction, as they were unclear on their role, particularly in relation to assessment sub-committees. Another respondent wanted changes to the assessment hearing checklist and this has now been done to avoid duplication and confusion.

KIRKLEES COUNCIL STANDARDS COMMITTEE

STANDARDS INVESTIGATIONS

This guidance sets out the procedures which will apply when a complaint that a member has breached the Code of Conduct is referred to the Monitoring Officer for investigation. In this guidance the person making the complaint is referred to as “the complainant” and the member against whom the complaint is made is referred to as “the subject member”.

The Monitoring Officer will appoint an investigating officer and send a Notice of Decision recording the decision to refer the complaint for investigation to the complainant, the subject member and if the subject member is a member of a parish or town council, the clerk to the relevant parish or town council.

Within 10 working days of the decision being made the investigating officer will contact the complainant to explain how the complaint will be investigated.

The usual process will be as follows:

- (i) The investigating officer will obtain any publicly held records which are relevant to the investigation. These could include minutes of council meetings, declaration of interest forms, planning files and other council records.
- (ii) The investigating officer will arrange interviews with the relevant parties. As a minimum this will mean interviewing the complainant and the subject member but will often mean interviewing other people as well. The first person to be interviewed will be the complainant, to enable the investigating officer to understand the full nature and extent of the complaint. The subject member will usually be the last person to be interviewed, to enable them to respond to all the allegations made against them.
- (iii) Before interviewing an individual the investigating officer will write to them explaining that
 - a. the interview will be conducted under powers granted under the Local Government Act 2000 and that information provided in the course of the investigation is confidential
 - b. that notes of the interview will be taken and the investigating officer may be accompanied by a colleague
 - c. the interviewee will be sent a copy of the record of the interview and be given an opportunity to comment on it

- d. what the interviewee says at interview may be disclosed and they might be called as a witness
- e. the interviewee may have a friend or adviser with them during the interview, provided that the person who accompanies them is not be a member of the standards committee, a council officer or a potential witness
- f. how long the investigating officer thinks the interview will last

The investigating officer will send the interviewee any documents which it would be helpful for the interviewee to see before the interview and will ask the interviewee to bring any documents with them which they want the investigating officer to see.

- (iv) At any interview the investigating officer will provide a preamble document to the interviewee and go through it with them. The preamble covers similar issues to the pre-interview letter but also confirms the practical arrangements for the interview.
- (v) After the interview the investigating officer will prepare a record of the interview and send it to the interviewee for their comments or proposed amendments.
- (vi) Once the investigating officer has completed all the planned interviews, and any further interviews which become necessary, they will prepare a draft report. The draft report will set out:
 - a. The official details of the subject member
 - b. Relevant legislation and protocols, including the relevant Code of Conduct
 - c. The evidence gathered
 - d. The investigating officer's findings of fact
 - e. The investigating officer's reasoning as to whether there has been a breach of the relevant Code of Conduct
 - f. The investigating officer's findings as to whether there has been a breach of the relevant Code of Conduct
- (vii) The investigating officer will send the draft report to the complainant and the subject member for their comments and will then prepare a final report.
- (viii) The Monitoring Officer will consider the investigating officer's final report and if content with it will arrange for it to be considered by the Hearings Sub-committee of the Standards Committee. If the Monitoring Officer is not content with the report she may direct the investigating officer to conduct further enquiries.

The process will be flexible and if the investigating officer identifies new lines of inquiry which were not apparent from the original complaint it may become necessary to re-interview witnesses.