

KIRKLEES STANDARDS PROCESS – BRIEF DESCRIPTION

All complaints are subject to an initial assessment that involves consideration by the Monitoring Officer and Independent person to decide whether it is a matter which raises (a) Code of Conduct issue(s). Consideration will also be given to the public interest test at this initial stage¹.

Wherever possible, any complaints will be resolved at this first stage where appropriate and will only proceed to the Standards process outlined below where they cannot be resolved by the Group Business Manager working with the Member who is complained about.

Where it appears that the complaint is a 'repeat complaint' the Monitoring Officer will consider whether it is appropriate to use the 'fast track' option to resolve the complaint. This option condenses the process set out below, allowing complaints to be dealt with more quickly where, on assessment, it is determined that there would be no benefit from using the extended process.

The process is briefly described below. It was adopted by the Council pursuant to the Localism Act 2011 and replaced the previous Standards regime. A link to the current approach is attached:

<http://www.kirklees.gov.uk/beta/contact-the-council/councillor-complaints.aspx>

Under the Standards arrangements the process is briefly as follows:

1. When a complaint is to proceed it is shared with the Councillor or Councillors who are the subject of the complaint and they are given (usually) 14 days to respond to the complaint made. The complaint is also shared with the Councillor's Group Leader and Group business Manager (if the Councillor is in a political group).
2. When the response is received that is shared with the complainant who is able to make further comments (usually within 14 days).
3. Appropriate research will be conducted as appropriate, by the Monitoring Officer staff looking at documents, websites, witnesses and other evidence or information which may assist in informing a decision.
4. Once that has happened a summary report is written and the summary report is circulated to members of the Assessment Panel with relevant background papers (e.g. the complaint and response/emails). The Assessment Panel meets and consists of the Business Managers of each group, myself as

¹ Kirklees Council adopted a public interest test as one of the best practice recommendations from the CSPL. The test essentially asks if we can investigate a complaint and, if so, whether we should. 'Can' requires us to be satisfied that the person complained of is a Councillor, that the conduct complained about is covered by the code and that the conduct complained of occurred within the last 6 months, in the absence of any exceptional circumstances. 'Should' requires us to consider what evidence there is that supports the complaint, whether the conduct is something that it is possible to investigate and whether any investigation would be proportionate and in the public interest.

Monitoring Officer (as well as a member of my staff usually) the Independent Person and the Chair of Standards. At the Assessment Panel the views of the Business Managers are sought in relation to the complaint/as well as any background papers. These are taken into account but ultimately the decision in relation to what action (if any) is taken is the decision of the Independent Person, Chair of Standards and I. Councillor(s) who are the subject of the complaint and complainants are not required to attend.

5. There are various actions/decisions which might be taken including:

- No further action is required
- An apology
- It might involve training
- It might involve a conciliation meeting
- The decision might also contain some advice for future reference
- In addition, if the matter is more serious, the Assessment Panel might decide that we need to have a further investigation in which case I would commission someone to carry out that investigation (internally or a third party) and the results of that would be considered at a Sub-Committee of the Standards Committee. In turn the Sub-Committee would report any decision to the Standards Committee and make a recommendation about any actions. This might be a recommendation that the issues be considered by Council and/or consent of the relevant Councillor

6. I will inform the Councillor, their party Leader and the Group Business Manager of any decision as well as the Complainant.

6-7. A copy of the decision notice will be published on the Kirklees website to record the outcome of the complaint.

The 'fast track' process will move directly to stage 3, with the exception that the details of the complaint will still be shared with Group Leader and Business Manager, where applicable.

Stage 4 is amended to bypass the assessment panel, meaning that the decision on the complaint is made by the Monitoring Officer, Chair of Standards and the Independent Person, without any input from Group Business Managers.

Stages 5 to 7 will proceed as normal.

If you have got any questions or queries about the process please ring myself or David Stickley (Senior Legal Officer).

