

Epping Forest District Council Standards Committee

How will the Council deal with your Complaint against a Councillor?

Receipt and Information Release

Once received the Council will acknowledge your complaint. We will tell the following people that you have made a complaint:

- The member(s) you are complaining about
- The monitoring officer of the authority
- The parish or town clerk (if applicable)

We will tell them your name and give them a summary of your complaint. We will give them full details of your complaint where necessary or appropriate to be able to deal with it. If you have serious concerns about your name and a summary, or details of your complaint being released you need to set out reasons why you think that your details should be withheld. The Council will consider each circumstance on an individual cases basis.

What will happen to your complaint?

Once you have made a complaint, you will be told in writing what will happen to it. If the authority decides that the standards committee will deal with your complaint, it will set up a meeting of no less than three members of the committee to decide what should happen next (to undertake an initial assessment). This meeting is known as an Assessment Subcommittee.

The Assessment Subcommittee will be chaired by one of the independent people on the standards committee. This should normally happen within 20 working days. This meeting will be held in private unless the Assessment Subcommittee decides otherwise. Parties to the complaint are not expected to attend this meeting.

The Assessment sub-committee can decide to:

- Ask the Monitoring Officer to investigate your complaint.
- Take some other action.
- Send it to the Standards Board for England to investigate (see separate Assessment Criteria information).
- 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.

The Council will inform of the outcome of the initial assessment.

What is “other action”?

“Other action” is usually some form of conflict resolution, mediation or training. This decision is reached where the standards committee decides that it is likely to resolve the situation more effectively than an investigation and possible sanction.

What if the Assessment Subcommittee decides to take no further action and you don’t agree?

The law says that 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 the committee to review its decision. 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 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 happens if it’s referred for Investigation?

A full investigation of the complaint will be undertaken by a person appointed by the Council’s Monitoring Officer. This may include, the Deputy Monitoring Officer, another senior officer of the Authority, a senior officer of another authority or an appropriately experienced consultant. This investigation process could include interviews with the Complainant, any witnesses and Councillor(s) concerned. A report will be issued to the Council’s Monitoring Officer at the end of the investigation. The Assessment Panel will then meet again to determine whether:

- (i) That it accepts any investigation finding of no failure to observe the Code of Conduct;
- (ii) That the matter should be referred for consideration at a hearing before the Hearings Sub-Committee of the Standards Committee; or
- (iii) That the matter should be referred to the Adjudication Panel (for England) for determination. This option can only be followed if the Sub-Committee has determined that the action it could take against the member would be insufficient were a finding of failure made **and** the president of the Adjudication Panel has agreed to accept the case.

There is no right of appeal on the decision of the Sub-committee. If (i) above is agreed, the authority must give notice to all parties and publish a public notice unless the member concerned so requests. If (ii) is followed then a meeting of the Hearing Subcommittee will be convened at the earliest opportunity.

What happens at a Hearings Subcommittee Meeting?

The Hearings Subcommittee is a subcommittee of the Council's Standards Committee made up of three members. All meetings of the Hearings Sub-Committee are held in public session unless there are clear statutory grounds for its proceedings to take place in private session.

At a Hearings Subcommittee, a full re-hearing of all evidence is undertaken at which the Investigating Officer and the member subject to the complaint will have the opportunity to present evidence and ask questions. Either party or the Subcommittee itself may call witnesses in support of their case.

The Hearings Subcommittee will make a final determination on the complaint. It **may** impose any one or a combination of the following sanctions **if** they find that the members concerned **have** breached the(ir) code of conduct:

- censure that member
- restriction for a period not exceeding six months of that member's access to the premises of the authority or that member's use of the resources of the authority, provided that those restrictions meet **both** the following requirements:
 - (i) They are reasonable and proportionate to the nature of the breach.
 - (ii) They do not unduly restrict the person's ability to perform the functions of a member.
- partial suspension of that member for a period not exceeding six months
- suspension of that member for a period not exceeding six months
- that the member submits a written apology in a form specified by the Hearing Subcommittee
- that the member undertakes such training as the Hearings Subcommittee specifies
- that the member participates in such conciliation as the Hearings Subcommittee specifies
- partial suspension of that member for a period not exceeding six months or until such time as the member has met either of the following restrictions:
 - (i) They have submitted a written apology in a form specified by the Hearings Subcommittee.
 - (ii) They have undertaken such training or have participated in such conciliation as the Hearings Subcommittee specifies.
- suspension of that member for a period not exceeding six months or until such time as the member has met either of the following restrictions:

(i) They have submitted a written apology in a form specified by the Hearings Subcommittee.

(ii) They have undertaken such training or have participated in such conciliation as the Hearings Subcommittee specifies.

What is the Standards Board for England's role?

The Standards Board provides the national, independent oversight that is needed for there to be confidence in this locally based system.

They:

- Require councils and other authorities to say 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 or authority.
- Can take away the power of the standards committee to receive complaints about their members if necessary.
- Investigate the most serious cases where the local standards committee believes it is not best placed to deal with the matter and the Board agree with them.
- Publish information about how councils and other authorities are dealing with complaints about their members.