



**FINAL DECISION YES**

**SUGGESTED NEXT STEPS:**

Details to be specified

Further consideration by this Committee  .....

To Council  .....

To Cabinet  .....

To an O & S Committee  .....

To an Area Committee  .....

Further Consultation  .....

## Agenda No

### Audit & Standards Committee - 20th February 2008.

#### Member Conduct- Advisory Process

#### Report of the Strategic Director of Performance & Development

##### Recommendation

That the Committee comments on the proposed process

That the Committee approves the process with/without amendment

#### 1. Introduction

From time to time there will be complaints relating to member conduct that fall below the initial assessment criteria for formal investigation under the code of conduct or circumstances may arise where an individual does not wish to pursue the matter formally under the code. Most commonly these may relate to 'inappropriate behaviour'.

Whilst it may be inappropriate to deal with the matter formally under the code in the first instance, it may still feel uncomfortable to simply do nothing, and the issue may indicate a need for some form of discussion with the member concerned. The idea is to nip inappropriate behaviour in the bud before it becomes a problem for the authority and the member concerned. It is suggested that in these cases the following procedure should be adopted

#### 2. Proposed Procedure

##### Stage 1

The first complaint is referred to the Group Leader to discuss the matter with the member concerned and a senior officer nominated by the monitoring officer. The Group Leader issues a formal warning letter to the member concerned advising that if there are any further complaints a referral will be made to the Audit & Standards Committee. The letter will also indicate the time period during which the issue will remain live for the purposes of aggregating complaints. This could be indefinitely depending on the nature of the complaint.

**Note:** If the complaint relates to a Group Leader then there are two choices – either a discussion with the Chief Executive and senior officer nominated by

the Monitoring Officer as above or in view their position any complaint relating to a Group Leader goes straight to stage 2 below without proceeding through stage 1.

## **Stage 2**

If a second complaint is received within the relevant time period the matter is referred to the Audit & Standards Committee with a view to the Committee having a discussion with the member concerned about the complaint, provide advice and come to some agreement with the member over the way forward to ensure there are no further complaints. This could include the commissioning of mediation, training etc to help the member concerned. The Audit & Standards Committee would indicate the time period within which the matters would remain live for the purposes of receiving any further complaints.

## **Stage 3**

If a third or further complaint is received within the relevant time period the issues will be referred back to the Audit & Standards Committee to consider whether or not the matter can continue to be dealt with informally or whether it is now appropriate to carry out an initial assessment under the code.

The options for the Audit & Standards Committee following an initial assessment are

- (a) no further action under the code
- (b) referral to the monitoring officer to deal otherwise than by way of investigation (subject to any guidance from the Standards Board) i.e. allowing the monitoring officer to tackle the problem in a different way by the provision of training or mediation for the particular member
- (c) referral to the monitoring officer for investigation
- (d) referral to the Standards Board for investigation

## **General**

Whether or not this particular process is appropriate will depend on the seriousness of any particular complaint. A first or second complaint may be sufficiently serious to merit an immediate referral to the Audit & Standards Committee. The availability of the procedure will also depend on whether or not the complainant wishes to make a formal complaint under the member code of conduct regime.

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30 January 2008