

Complaint Procedure

1. Introduction

1.1 These arrangements set out how the Council will deal with an allegation that an elected member or a co-opted member of Hackney Council has failed to comply with the Members' Code of Conduct.

1.2 Under Section 28 of the Localism Act 2011 the Council must have arrangements in place whereby allegations can be investigated and decisions upon them can be made. In addition the arrangements must provide for the Council to appoint at least one Independent Person whose views must be sought and taken into account by the Council before it makes a decision and who may be consulted by the Council at other stages in the process or by the member or co-opted member against whom an allegation has been made. These arrangements fulfil the Council's statutory obligations.

1.3 In these Arrangements a number of terms are used which have the following meanings:

Member An elected Councillor

Co-opted Member A person who is not an elected member of the Council but has been appointed to a committee or sub-committee of the Council.

Monitoring Officer A officer of the Council designated under section 5 of the Local Government and Housing Act 1989 to undertake the statutory duties prescribed which include ensuring that the Council and its members and officers act lawfully at all times. Under Section 29 of the Localism Act 2011 the Monitoring Officer must establish and maintain a register of interests of members and co-opted members.

Investigating Officer An appropriate person appointed by the Monitoring Officer to conduct an investigation into an allegation.

Independent Person A person appointed by the Council pursuant to Section 28 of the

Localism Act 2011, whose views are sought and taken into account before decisions upon allegations against members are taken and who may be consulted by a member who is the subject of allegations or the Council, generally.

Standards Committee

A committee of members responsible for promoting and maintaining high standards of member conduct within the Council.

Assessment Sub-Committee

A Sub-Committee of Standards Committee established to decide whether allegations against members are worthy of being investigated.

Review Sub-Committee

A Sub-Committee of Standards Committee established to review the assessment committee's decision on the allegation if required.

1.4 Submission of Complaints

Complaints should be submitted in writing to the Council's Monitoring Officer within 28 days of the alleged incident and should clearly set out how the councillor concerned has allegedly breached the Code of Conduct. The Council requires complainants to provide their name and contact details and anonymous complaints will not generally be considered, except in exceptional circumstances where the Monitoring Officer decides that the complaint raises a serious issue affecting the public interest which is capable of investigation and this outweighs the need for the complainant's identity.

- 1.5 Once your complaint is received, the Monitoring Officer will decide whether it can be investigated under the Code of Conduct. Complaints will not be accepted if they are considered to be malicious, vexatious or frivolous; or if the subject matter has already been considered by the Council (unless new evidence has now become available) or if legal action is already under way.

2. Where there isn't a breach

If the complaint cannot be considered under the Code of Conduct, e.g. the complaint is not connected to the Code of Conduct ('CoC'), the Monitoring Officer ('MO') will write to you and let you know. However, the MO may decide to refer the matter to the appropriate person, for example, the Chief Whip of the political party.

Where the allegation appears to be a Code of Conduct complaint against a Councillor or Co-optee, the Monitoring Officer will acknowledge receipt of your completed complaint form within 10 working days and confirm that the allegation will be assessed by a Sub-Committee of the Standards committee.

3. When there is a potential breach

The MO will discuss the complaint with the Independent Person ('IP') and notify the councillor or co-optee of the allegation and will provide a written summary of the allegation (unless the MO considers to do so might prejudice any investigation).

The MO will ask the Governance Manager to contact the Chair of Standards to arrange an assessment sub-committee which will make an initial assessment of your complaint and decide whether or not there has been a breach and, if so, what action needs to be taken.

The assessment sub-committee will be chaired by the Independent member (who is a member of the public) and will include two other Members of the Standards committee, one of whom will also be a co-optee

Meetings of the assessment sub-committee are held in private and neither you nor the person you are complaining about will be able to attend the meeting. There is also no public right of access to the documents considered by the assessment sub-committee.

The assessment sub-committee can decide to take on of the following courses of action:

- That no further action should be taken in respect of the complaint. If this happens, the Monitoring Officer will write to you to advise you of the decision and explain why the assessment sub-committee came to this decision. You will also be advised about the steps you can take if you want the assessment sub-committee's decision to be reviewed.
- To refer the complaint to the Monitoring Officer, instructing her either to arrange an investigation, or to arrange training, conciliation or other appropriate alternatives.
- Where the complaint is about someone who is no longer a Hackney Councillor, but who is now a Councillor elsewhere, to refer the allegation to the Monitoring Officer of that other relevant Council.

Once the assessment sub-committee has decided how the complaint will be dealt with, if the complainant asks for a review of that decision this will normally take place within 20 days of the request. The review hearing will be undertaken by a review sub-committee made up of three Members of the Standards Committee who were not involved in the original (assessment) decision. The review sub-committee will again be chaired by an Independent Member (who is a member of the public) and will include two other Members of the Standards Committee one of whom shall also be a co-optee of the Committee.

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