

PROCEDURE FOR INVESTIGATION OF COMPLAINTS ABOUT THE CONDUCT OF COUNCILLORS

Advice and Assistance

Where an individual feels they have been subjected to inappropriate treatment and harassment by Elected Members they should follow the procedure listed below. However, it is appreciated that this is a difficult area which may cause concern. Therefore individuals who would like confidential advice, support and assistance may contact Human Resources. This assistance is confidential and will enable the individual to make an informed decision on the most appropriate course of action for them. No individual will be pressurised into either making or not making a formal complaint and they should not feel that they are at fault. It is for the individual to decide whether or not to take any action.

Possible Action

Informal Action

An employee may approach their Service Director, Area Manager or Chief Executive or a member may approach their Group Leader and request that they approach the Elected Member on their behalf to resolve the matter informally.

Formal Action

To make a formal complaint (without having to carry out the informal option) use the procedure listed below.

The complaint should be put in writing, to the Chief Executive (or the Leader of the Council if the Chief Executive is the source of the complaint). The Chief Executive will investigate the allegations using such internal or external staff as he considers appropriate.

The complaint should be acknowledged in writing within 5 working days, and every attempt made to resolve the issue within 20 working days from receipt of the written complaint. At this time, the individual against whom the allegation has been made will be sent a letter advising them that an investigation has been initiated against them. If this timescale is not possible then any reason for delay should be notified to the complainant and the subject(s) of the complaint within the original timescale.

The complaint should be put in writing and detail the following points:

- the name of the Councillor;
- the nature of the conduct;

- dates and times when conduct occurred;
- names of any witnesses
- any action already initiated by the complainant to stop the conduct.

The complaint will be investigated thoroughly and dealt with fairly and in complete confidentiality for all concerned.

Once the investigation is completed the Chief Executive produces a report to the Group Leader for the Party of which the Councillor complained about is a member. The Chief Executive will make recommendations to uphold or not uphold the complaint.

Where the Chief Executive recommends that there is no case to be answered and the Group Leader accepts this recommendation then the case is completed. Both parties are notified accordingly and the Chief Executive informs the Provost and all the Group Leaders of the outcome.

Where the Chief Executive recommends that there is a case to be answered and the relevant Group Leader accepts this recommendation then the case is presented by the Chief Executive to the Provost and all the Group Leaders of the Council (the Conduct Committee). The Elected Member whom the allegations have been made against will have a right to be present and represented. Once both sides have had a fair hearing the Conduct Committee shall decide on the appropriate action (if any) to be taken.

Where the Group Leader for the party which the Councillor complained about does not agree on the Chief Executive's recommendations then the complaint automatically goes in front of the Conduct Committee. The Elected Member has a right to appeal against the decision taken by the Conduct Committee to Full Council. An employee who is found to have made a malicious complaint will also be subject to the Disciplinary Procedure. The Disciplinary Procedure may also be invoked to deal with instances where employees as witnesses have made false or malicious allegations in their statements.

All documentation relating to an allegation against an Elected Member should be kept securely by the Head of Legal and Governance as the Monitoring Officer.