

Agenda Item No:

Report to: Standards Committee

Date of Meeting: 16 June 2009

Report Title: LOCAL ASSESSMENT OF COMPLAINTS

Report By: Jayne Butters
Borough Solicitor

Purpose of Report

To recommend that Committee delegates authority to the Borough Solicitor and Monitoring Officer to seek to resolve suitable complaints informally without reference as a formal complaint to the Assessment Sub-Committee.

Recommendation(s)

- 1. That Committee delegates authority to the Borough Solicitor and Monitoring Officer, in consultation with the Chair or, in the absence of the Chair, the Vice-Chair, to seek to resolve suitable complaints informally without reference as a formal complaint to the Assessment Sub-Committee, on the basis as set out in the report.**

Reasons for Recommendations

Currently all complaints have to be referred to the Assessment Sub-Committee for assessment of the complaint. There will be cases where the matter can be resolved informally more quickly and effectively than through the formal process.

Background

Local Assessment of Complaints

1. Members will see from the draft Annual Report to Council that the level of complaint received for assessment under the procedure introduced in May 2008 has been low, with just 3 complaints referred to the Assessment Sub-Committee. Only one of these was referred for investigation.

Informal intervention by the Monitoring Officer

2. There will be occasions when the matter complained of might be best resolved informally by intervention by the Monitoring Officer before the matter becomes one of formal complaint.
3. It may be a case, for example, of an inappropriate exchange between members across the Council Chamber when an early apology might be easier and more effective to diffuse the situation than taking it formally before the Assessment Sub-Committee. The same might also be the case in situations where an officer alleges disrespect from a member at a meeting. The officer might not wish to make a formal complaint but informal mediation through the Monitoring Officer might result in an apology/explanation that would address the grievance and prevent deterioration of the working relationship.
4. Both parties would have to be willing to engage in this action. Such resolution of complaints might be attempted on a "without prejudice" basis, ie the member does not have to concede that there has been a particular breach of the Code. Both parties would be advised that the fact that the intervention is being undertaken by the Monitoring Officer is not to imply that a view has been taken as to whether there has been a breach of the Code. The Monitoring Officer would use mediation methods to try to bring the parties to a common understanding of what has taken place, so that an apology or explanation becomes a natural response. Clearly, this will not always be possible and the complainant would then have the option to continue with a formal complaint.
5. Whilst it would be appropriate for the Assessment Sub-Committee, when considering the formal complaint, to be made aware that mediation had already been attempted, the mediation process would have to be confidential to work and so the content of the mediation and the reason/s for its failure would not be disclosed to the Sub-Committee.
6. Complaints resolved through this process would not necessarily form part of the quarterly returns to the Standards Board for England, but the Committee would receive a summary report of those resolved in this way in the draft Annual Report to Council.

Financial Implications

7. Whilst the proposal has no direct financial implications, as we would use mediation skills within Legal and Democratic Services, it is possible that the cost in officer and member time, as well as the possible the financial cost of an investigation, could be avoided.

Wards Affected

None

Area(s) Affected

None

Policy Implications

Please identify if this report contains any implications for the following:

Equalities and Community Cohesiveness	No
Crime and Fear of Crime (Section 17)	No
Risk Management	No
Environmental Issues	No
Economic/Financial Implications	No
Human Rights Act	No
Organisational Consequences	No

Supporting Documents

None

Officer to Contact

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