



Report of the Assistant Chief Executive (Corporate Governance)

Standards Committee

Date: 16th December 2009

Subject: Review of Local Assessment Arrangements

Electoral Wards Affected:

Ward Members consulted
(referred to in report)

Specific Implications For:

Equality and Diversity

Community Cohesion

Narrowing the Gap

Executive Summary

1. At its meetings on 16th December 2008 and 17th February 2009, the Standards Committee agreed to a series of amendments to the administrative processes which underpin the local assessment arrangements. This report updates Members on the progress of these amendments, and notifies Members of any further issues raised during the last ten months.
2. On 24th April 2009 the Standards Committee agreed that the Monitoring Officer should no longer notify Members who had had a complaint made about them prior to the Assessment Sub-Committee meeting to consider that complaint. This was because the limited amount of information which could be provided was causing Members unnecessary distress and frustration. The Standards Committee also decided that this decision should be reviewed after six months. Officers have carried out a survey of all Leeds City Council Members and the results are outlined in Appendix A. Parish and Town Councillors (through the Parish and Town Council Liaison Forum) have also been asked whether they wish to be notified in future if a complaint is made about them.
3. Members of the Standards Committee are asked to:
 - Consider whether to continue with the current arrangement of not notifying Members that a complaint has been received until after the Assessment Sub-Committee has met (through the Assessment Sub-Committee's Decision Notice);
 - Consider whether to make any other amendments to the local assessment arrangements arising from the results of the survey (Appendix A);
 - Note the responses to the lessons learned (Appendix B); and
 - Consider whether to create a Consideration Sub-Committee to receive and consider final investigation reports, and if so, to approve the terms of reference at Appendix C.

1.0 Purpose Of This Report

- 1.1 At its meetings on 16th December 2008 and 17th February 2009, the Standards Committee agreed to a series of amendments to the administrative processes which underpin the local assessment arrangements. This report updates Members on the progress of these amendments, and notifies Members of any further issues raised during the last ten months.

2.0 Background Information

- 2.1 On 24th April 2009 the Standards Committee agreed that the Monitoring Officer should no longer notify Members who had had a complaint made about them prior to the Assessment Sub-Committee meeting to consider that complaint. This was because the limited amount of information which could be provided was causing Members unnecessary distress and frustration. The Standards Committee also decided that this decision should be reviewed after six months.
- 2.2 Officers have carried out a survey of all Leeds City Council Members on the local assessment process, and the results are attached at Appendix A. Parish and Town Councillors (through the Parish and Town Council Liaison Forum) have also been asked whether they wish to be notified in future if a complaint is made about them.
- 2.3 Members of the Sub-Committees have been asked at the conclusion of every Sub-Committee meeting whether there are any lessons to learn from each case. These "lessons to learn" have been compiled by officers and where these matters can be addressed the possible options are outlined in this report.

3.0 Main Issues

Progress of amendments agreed on 16th December 2008 and 17th February 2009

Amendments to the complaints form

- 3.1 Members of the Standards Committee agreed to amend the complaints form so that it is addressed to the Monitoring Officer in the first instance. It was hoped that this would allow the Monitoring Officer to identify whether a complaint should be directed to the Assessment Sub-Committee or would be better dealt with elsewhere.
- 3.2 In order to formalise this decision officers have introduced another step into the process which allows the Head of Governance Services or the Chief Democratic Services to formally decide whether the matter is a valid Code of Conduct complaint which should be forwarded to the Assessment Sub-Committee, or whether it should be referred back to the Monitoring Officer for another form of action. The criteria for a complaint being referred to the Assessment Sub-Committee include such considerations as:
- Is the subject Member a Member of Leeds City Council or one of the Parish or Town Councils in Leeds, and was there a Code of Conduct in force at the time of the incident?
 - Is the complaint made on the proper form, or has the complainant requested that it be considered by the Standards Committee?
 - Does the complaint relate to the Code of Conduct and has the complainant specified any paragraphs of the Code of Conduct which may apply?
 - Is there enough information within the allegations for the Assessment Sub-Committee to make a decision on the matter?

- 3.3 Depending upon the results to the above questions, the complaint can either be forwarded to the Assessment Sub-Committee for consideration, returned to the complainant to seek further information, forwarded to the Monitoring Officer to consider some other form of action, or forwarded through the corporate complaints process (if the complaint relates to a Council service as oppose to the behaviour of a Councillor). As a result of this additional step some complaints have been dealt with to the complainant's satisfaction outside of the formal complaints process.

Amendments to Sub-Committee meeting arrangements

- 3.4 Members of the Standards Committee also agreed the following changes to the local assessment arrangements:
- that the Sub-Committee Members should be notified of the subject Member's and complainant's identities prior to the agenda being distributed;
 - that Sub-Committee meetings should be arranged at least six months in advance, that case summaries should no longer be published on the Council's website;
 - that minutes of the Sub-Committee meetings should be prepared;
 - that the final version of each decision notice should be sent to the Sub-Committee Members for information after it has been approved by the Chair; and
 - Parish and Town Council Members of the Standards Committee should receive training on the role of a City Councillor.
- 3.5 All the above actions have been completed. Sub-Committee meetings are now arranged up to a year in advance and appear in the Council's diary, and minutes of the Sub-Committee meetings are now prepared and received by the Standards Committee and full Council. With regard to training for external members of the Standards Committee, they are already encouraged to attend several different types of Committee meetings in order to observe and gain an understanding of Council business and political context and they have attended the ward surgeries of some City Councillors during the last year.

Timescales for investigations

- 3.6 The Standards Committee asked officers to consider ensuring that covering letters sent out with the decision notices included a timescale for the investigation to be completed. This has not been done, as it was considered inappropriate to outline a timescale without having first considered the issue properly with the chosen investigator and agreed an investigations plan. Given that the Council aims to send out decision notices within five working days of the Sub-Committee's decision, it would not be possible to identify an appropriate investigator and agree an investigations plan within the same timescale. Instead the plain English guide on local investigation (which is sent out as an appendix to the decision notice in such cases) states that the Standards for England's guidance is that investigations should be completed within six months and that it will always be the investigator's intention to complete the investigation as quickly as possible.

Amendments to notification arrangements

- 3.7 In February the Standards Committee also requested that the subject Member be told the nature of the complaint when they are informed that a complaint has been made about them. This was not completed as this course of action is not currently allowed under the Regulations, as confirmed by the letter the Committee received from Communities and Local Government at the last meeting. Instead this issue

was dealt with by the Standards Committee's decision in April to no longer provide Members with notification that a complaint has been received until the Assessment Sub-Committee has met to consider the matter.

Guidance for subject Members

- 3.8 The Standards Committee asked officers to consider producing a set of guidance notes for Members on the local assessment process, incorporating example decision notices, case summaries and letters, and that these guidance notes be placed in each group office so that Members know what to expect should a complaint be made about them. This has not been completed, as now that subject Members are no longer being advised that a complaint has been made about them prior to the Assessment Sub-Committee having made a decision on the matter, more relevant information can be provided to the subject Member as soon as they become aware of the complaint. For example, if the complaint is referred for investigation, the subject Member is provided with guidance on the investigations process with the decision notice. In addition, Members have been provided with a briefing note on the local assessment process through their group whips and training on the local assessment process is now incorporated into training on the Members' Code of Conduct wherever possible.

Matters arising from the survey

- 3.9 One completed survey has been created to show all the responses (which is attached at Appendix A). The results of the survey show that Members are still broadly unhappy with the local assessment process. Members may wish to note that as only two final investigation reports have so far been considered by the Assessment Sub-Committee, some of the responses to questions 7 and 8 in the survey may have been provided in error.
- 3.10 In relation to the review of the decision to no longer notify Members that a complaint has been received until the Assessment Sub-Committee has met to consider the matter, 16 out of 18 respondents have stated that they would prefer to know that a complaint has been made about them, even though they would not be able to know the nature of the complaint, provide any information or attend the meeting of the Sub-Committee.
- 3.11 Some Members also made general comments in relation to the local assessment process which are reproduced at the end of Appendix A for the Committee's information. Unfortunately the majority of these comments relate to the content of the Regulations and therefore cannot be addressed by the Standards Committee.

“Lessons to Learn” raised by Standards Committee Members

- 3.12 Those lessons to learn which have been identified by Standards Committee Members at the conclusion of Assessment or Review Sub-Committee meetings have been listed in the attached table (Appendix B). Responses to the issues raised are shown in the second column.

Other issues with local assessment

Legal representation for subject Members

- 3.13 Member Management Committee have considered issues around the insurance policy for Members who are the subject of a complaint and the quality of the legal

representation provided. Member Management Committee received a report on this subject on 14th April 2009.

- 3.14 This issue has since been dealt with by the Council's Insurance Manager and an agreement has been reached with the Council's insurance providers that a more local, specialised firm can be used to represent Members in future cases. Members are advised how to make a claim on the policy in the covering letter they are sent with their decision notice.

Length of investigations

- 3.15 Concerns have been raised by Members of the Standards Committee and others regarding the length of investigations. Leeds City Council has now adopted a "Procedure for External Code of Conduct Investigations" which contains a requirement for the investigator to produce and continually update an investigations plan, which includes deadlines for interviews, the production of the draft report, and the issue of the final report. It is hoped that having clearer, agreed deadlines will mean that investigations are completed in a more timely manner in the future.

Consideration of final investigation reports

- 3.16 Finally, some Members have experienced confusion over the role of the Assessment Sub-Committee, given that the Standards Committee has decided to also delegate the function of receiving final investigation reports to the Assessment Sub-Committee. This is especially confusing given that when the Sub-Committee meets to initially assess complaints it meets in private, but when it meets to receive final investigation reports it meets in public.
- 3.17 One solution to the above problem would be to delegate the function of receiving final investigation reports elsewhere. However, if the Standards Committee were to delegate the function to the Review Sub-Committee there would be the same problem regarding confusion over public access to the meetings, and if the function were to be delegated to the Hearings Sub-Committee this may cause additional confusion as to whether the complaint has been referred to a hearing or not. The Standards Committee is therefore asked to consider whether to create an additional Sub-Committee, the Consideration Sub-Committee, to receive and consider final investigation reports.
- 3.18 The proposed terms of reference for such a Sub-Committee, and revised terms of reference for the Assessment Sub-Committee, are attached as Appendix C.

4.0 Implications For Council Policy And Governance

- 4.1 It is important for complainants to feel confident that complaints about Member conduct are taken seriously and are dealt with appropriately, and it is equally as important that subject Members feel that the process is fair to all parties. Therefore it is important for the good governance of the Council that the Standards Committee are confident that the administrative arrangements underpinning local assessment are fit for purpose and are operating effectively.

5.0 Legal And Resource Implications

- 5.1 The legal implications are dealt with in the main body of this report.
- 5.2 There are no resource implications to this report.

6.0 Conclusions

- 6.1 On 24th April 2009 the Standards Committee agreed that the Monitoring Officer should no longer notify Members who had had a complaint made about them prior to the Assessment Sub-Committee meeting to consider that complaint. This was because the limited amount of information which could be provided was causing Members unnecessary distress and frustration. The Standards Committee also decided that this decision should be reviewed after six months.
- 6.2 Officers have carried out a survey of all Leeds City Council Members on the local assessment process, and the results are attached at Appendix A. Parish and Town Councillors (through the Parish and Town Council Liaison Forum) have also been asked whether they wish to be notified in future if a complaint is made about them.
- 6.3 One completed survey has been created to show all the responses (which is attached at Appendix A). The results of the survey show that Members are still broadly unhappy with the local assessment process.
- 6.4 In relation to the review of the decision to no longer notify Members that a complaint has been received until the Assessment Sub-Committee has met to consider the matter, the vast majority of respondents have stated that they would prefer to know that a complaint has been made about them, even though they would not be able to know the nature of the complaint, provide any information or attend the meeting of the Sub-Committee.

7.0 Recommendations

- 7.1 Members of the Standards Committee are asked to:
- Consider whether to continue with the current arrangement of not notifying Members that a complaint has been received until after the Assessment Sub-Committee has met (through the Assessment Sub-Committee's Decision Notice);
 - Consider whether to make any other amendments to the local assessment arrangements arising from the results of the survey (Appendix A);
 - Note the responses to the lessons learned (Appendix B); and
 - Consider whether to create a Consideration Sub-Committee to receive and consider final investigation reports, and if so, to approve the terms of reference at Appendix C.

Background Documents

Standards Committee (England) Regulations 2008

"Local Assessment of Complaints" by Standards for England, available at:
<http://www.standardsboard.gov.uk/Localassessment/Guidanceandtoolkit/#d.en.16399>

Report of the Assistant Chief Executive (Corporate Governance) to the Standards Committee, "LATE ITEM - Review of Local Assessment Procedures", 16th December 2008

Standards Committee Minutes, 16th December 2008

Report of the Assistant Chief Executive (Corporate Governance) to the Standards Committee, "Administrative Processes underpinning the Local Assessment Arrangements", 17th February 2009

Standards Committee Minutes, 17th February 2009

Standards Committee Minutes, 24th April 2009

Procedure for External Code of Conduct Investigations, approved by the Head of Governance Services, 22nd October 2009

Minute 48, Member Management Committee Minutes, 14th April 2009