

## Review of local assessment procedures – Councillor feedback form

If you have had a complaint made against you which has been referred to the Assessment Sub-Committee, please answer all the following questions. If you have not, please only answer questions 1 and 9.

### ALL MEMBERS

#### Information regarding a complaint

1. During the last review of the local assessment procedures, some Members who had been the subject of a complaint suggested that receiving a limited amount of information prior to the Assessment Sub-Committee meeting had caused them unnecessary distress, as they were unable to tell how serious the complaint was or provide the Sub-Committee with their side of the story. In response to this feedback the Standards Committee decided that the Monitoring Officer should no longer notify Members that a complaint had been received about them prior to the Assessment Sub-Committee having met to make a decision on the matter, but that this decision would be reviewed after six months.

According to the Regulations, the Monitoring Officer can provide you with the following information:

- Confirmation that a complaint has been made about you;
- The name of the complainant (unless they have requested confidentiality);
- The paragraphs of the Code of Conduct which are alleged to have been breached (but no details of the complaint itself); and
- The date your complaint will be considered.

However, the Monitoring Officer **cannot** provide you with a summary of the complaint, the Sub-Committee is unable to take into account any information you provide at this stage, and you are unable to attend the meeting.

Given the above limitations, would you prefer to know if a complaint is made about you **before** the Assessment Sub-Committee has met to make a decision on the matter?

Yes – I would prefer to know	No – I would prefer not to know	No preference
<b>16</b>	<b>2</b>	<b>0</b>

**Response:** The Standards Committee is asked to consider whether to begin notifying subject Members that a complaint has been received about them prior to the Assessment Sub-Committee having met to consider the matter.

No responses have been received from Parish and Town Councillors in relation to this question.

## MEMBERS THE SUBJECT OF A COMPLAINT

### The Assessment Sub-Committee

2. Did you feel you were provided with enough information about the role of the Assessment Sub-Committee following the meeting?

Yes  
5

No  
3

Don't Know  
0

**Response:** There is information about the role of the Assessment Sub-Committee contained in the decision notice. It would seem that this information is sufficient for most Members. There is also further information available in the guidance leaflet which is available on the Council's website and on request.

### Decision Notices

3. Did you find the decision notice you received about the complaint to be clear and easy to understand?

Very clear  
1

Quite clear  
6

Average  
0

Not very clear  
0

Not clear at all  
1

**Response:** Most Members seem to find the decision notices to be clear and easy to understand. The decision notices used in Leeds are based on the templates issued by Standards for England.

4. What improvements do you think we could make to our decision notices?

"The possible outcomes if someone is being referred on through the process"

"Involve Members in the process rather than being detached from the activities of Elected Members and how they operate"

**Response:** If a Member is being referred for investigation an appendix is attached to the decision notice which explains the investigation process. This includes information about the final report and how it will be considered, the possible outcomes of the Assessment Sub-Committee meeting and the possible sanctions which could be applied by the Standards Committee after a finding of breach. The Standards Committee could consider including this information within the decision notice itself, if applicable.

The Elected Members on the Assessment and Review Sub-Committees have the opportunity to contribute to and amend the decision notices, as do the Independent Members and Parish Members. It would not be appropriate to involve other Elected Members in the drafting process for decision notices as they would not have been party to the making of that decision.

5. What do you think to the level of detail in the decision notices? Would you have preferred more or less information?

Much more information	Slightly more information	About right	Slightly less information	Much less information
<b>3</b>	<b>2</b>	<b>3</b>	<b>0</b>	<b>0</b>

**Response:** The majority of respondents to this question would like more details to be added to the decision notices. However, as only two comments were received regarding what improvements could be made, it is unclear what types of detail the Members would like to see added.

Compared to those from Standards for England and other local authorities, the decision notices issued by Leeds City Council appear to be very detailed and provide thorough reasons for every decision.

#### **The Review Sub-Committee**

6. Did you feel you were provided with enough detail about the role of the Review Sub-Committee? (if applicable)

Yes	No	Don't Know	Not applicable
<b>1</b>	<b>2</b>	<b>2</b>	<b>2</b>

**Response:** Details about the role of the Review Sub-Committee are contained in the letter sent to the subject Member when a review request is received. Again further information would be available in the guidance leaflet which is available on the Council's website and on request.

Information about the review process could be provided to Members when they are first told about the complaint, but this information will not be relevant if the Assessment Sub-Committee decide to refer the case for some form of action or if the complainant does not request a review.

#### **Investigations**

7. Did you feel you were provided with enough detail about the investigations process? (if applicable)

Yes	No	Don't Know	Not applicable
<b>1</b>	<b>4</b>	<b>0</b>	<b>2</b>

**Response:** Most Members feel that they did not receive enough information about the investigations process. Members are only sent information about the investigations process if their complaint is referred for investigation. There is a standard appendix sent out with the decision notice which explains who will conduct the investigation, under what circumstances the case may be referred to an Ethical Standards Officer, how the investigation will be conducted, how long it is likely to take, and what the possible outcomes of the investigation are. More detailed information regarding their specific investigation would be provided by the investigator once they have been formally appointed and an investigation plan produced and agreed.

The Standards Committee is asked to consider what further information may be provided to subject Members whose case is referred for investigation at the stage that the decision notice is distributed. The Standards Committee is also asked to consider whether to provide a briefing note to all Councillors explaining the investigations process and the possible outcomes.

8. Were you provided with enough information about how the final investigation report would be considered and the procedure the Assessment Sub-Committee would follow when receiving that report? (if applicable)

Yes	No	Don't Know	Not applicable
<b>3</b>	<b>3</b>	<b>0</b>	<b>1</b>

**Response:** Information about how a final report will be considered is included in the attachment to the decision notice regarding investigations. In addition, when a final report has been issued and is scheduled to be considered by the Assessment Sub-Committee, the subject Member is sent a letter notifying them of the date of the meeting and providing them with the relevant section of the Standards Committee Procedure Rules. So far only two subject Members have reached this stage of the process. Since the Assessment Sub-Committee considered the two final investigation reports the Standards Committee has also revised the Procedure Rules to make them clearer and easier to follow.

The Standards Committee is asked to consider what further information can be provided and at what stage of the process this information should be provided to the subject Member.

## **ALL MEMBERS**

### **General Comments**

9. Please provide any other comments or feedback on the local assessment process you would like the Standards Committee to consider.

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“I consider it a fundamental principle of law that a person should know his accuser. I think it is a breach of human rights to have a charge made against a person and that person not be told the accuser and details of the accusation.

A completely unsupported accusation / complaint was made about me. I was refused details of the accusation even though the charge / accusation was dismissed before I knew it had been made. The present process lays members of the Council open to abuse. There appears to be no steps taken against malevolent, malicious or tendentious complainants.”

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“I firmly believe that the present system is firmly loaded in favour of those who have a grudge against a ward member for whatever reason.

I don't believe that a complainant should have a right to confidentiality and nor do I believe that the details of the complaint should be withheld.

Members should be provided with full information about the complaint and have the opportunity to either respond in writing or attend the meeting of the sub committee.

I believe that having a section entitled, 'Complaining about the Conduct of Your Councillor' on the home page of Leeds City Council's website is an invitation to everybody who has made a request to a councillor, that has been refused for the good of the wider community, to waste a great deal of officer and member time on the complaints process."

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"There must be mechanisms for dealing with those who make vexatious, malicious or trivial complaints, such as having Standards Committee reports which name and shame such complainants. It is not enough merely to issue a "not proven" or "no case to answer" decision when clearly there is much more behind the complaint than that.

Regulations should be changed to compel full disclosure of everything about a complaint from the beginning, so that those complained against can gather information before memories fade or notes are lost or destroyed."

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"The name of the complainant would help me to identify the likely nature of the complaint and the degree of seriousness with which I would take it. I am sure my Ward will not be alone in having some people who complain on a knee-jerk rather than a rational basis.

Having said that, I appreciate that the public, who elect us, should have a vehicle for comment if they genuinely believe we are not fulfilling the role appropriately."

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"Where else in public life can allegations be made, considered by a panel, provisionally investigated and concluded before the victim is told?

What are the arrangements for complaints against officers?

If I were to write each month to ask if a complaint had been made against me, under the present arrangements, would I be told?"

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"Natural justice suggests everyone accused should be aware as early as possible of the allegation. No publicity should be generated until case properly heard and decisions have been made. Vexatious and trivial allegations need to be dealt with early."

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"In the interest of fairness and transparency all details of a complaint should be made available to the Member who is the subject of the complaint at the earliest opportunity."

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“I started filling out the questionnaire but struggled to answer the questions, as it is such an inherently unfair process.

- The process allows the complainant to remain anonymous throughout. Where we have malicious individuals known to the Council, these people are dealt with in exactly the same manner as those who are normal members of the public. Is this incompetence on behalf of the Council or is it a slavish requirement set down by Central Government?
- Do I want to know if a sub-committee, which presumably only decides whether there may be grounds to start investigating a complaint, should tell me? Probably not. I was furious to receive a letter telling me I was being investigated and could not find out what it was about or represent myself. This was a total disgrace but it is implied that the national legislation allowed this. I don't know what stage of the process this was, it was badly explained in the less than helpful letter which felt quite menacing to receive.
- All I received, having had the sub-committee consider the complaint, was a letter saying the anonymous complainant had appealed and no details were provided about the complaint - unacceptable.

This whole process is very poor, and I'm hoping will be swept away after the next election, or at least completely reformed. What did we have before this nonsense was brought in?

In the meantime, I can't see that I can offer much in the way of making a terrible process work a little better.”

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“My big concern regarding the current process is how you receive an anonymous letter informing you that someone has complained about you. You cannot be informed what they have complained about or who they are etc. That process continues until you are cleared by the sub-committee, and it is only when the process goes further that there is any possibility of the claimant being disclosed.

This does make it very difficult from a Elected Member point of view, because you do not know who has complained about you, and you then make the assumption that everybody you meet could be that person and treat them with suspicion. That affects the good working relationship that you have with many constituents.

I think that this is unique because, with every other complaints or objection process, you have to put your name on the line and be prepared to stand up for that, whether it be complaining about service or staff in a retail establishment, service that you have received from Royal Mail, or indeed objecting to a planning application. You are given the opportunity that if you do not want your name to be recorded, you can withdraw your application. Whereas it seems that complaining about a Councillor through the Standards Process, you can remain anonymous, as can your complaint.

I feel that the whole process is not very transparent and I would hope that in the future that will change.”

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“My case is still being investigated but I have been given no info about what could happen and potential outcomes.

I also feel I should be able to put my response to the Assessment Cttee before they make their decision. It is not natural justice to take someone thru the process when it could be decided not to pursue, at an earlier stage. My constituent told lots of lies, this was never taken into account & should have been. The Assessment Cttee is also not a fair process if Members cannot have some input.”

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“The process of the Standards Committee Leeds is in my view less than satisfactory. I could use stronger words.

There is little respect amongst Elected Members for the way in which Standards issues are handled in Leeds.

Officers interpretation of the Code is dramatically different than that in other authorities and results in minor complaints being deferred. There is little or no appreciation by officers or non Elected Members of the Standards Committee of the work of Members.

All of this has manifested itself in relation to Local Assessment Process. This Questionnaire is a further example of Elected Member procedures not being followed and demonstrates disrespect to senior Members.”

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“There should be a way of recognising and dealing with political agitators.”

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## **Responses to general comments:**

### Confidentiality and withholding of information

Under normal circumstances, once the subject Member receives the decision notice from the Assessment Sub-Committee they are provided with the name of the complainant and a summary of the complaint.

The Assessment Sub-Committee can decide to withhold the name of the complainant if the complainant has requested confidentiality on the grounds that they will be at risk of physical harm, that they are an officer who works closely with the subject Member and they are concerned that their job may be at risk, or there is a risk to their health, and the Sub-Committee have agreed to their request on one of these grounds.

The Assessment Sub-Committee can only withhold a summary of the complaint on the grounds that it would prejudice any investigation into the complaint i.e. if the subject Member is likely to destroy evidence. However a summary of the complaint could not be withheld if the complaint was not referred for investigation. To date the Assessment Sub-Committee has not granted any requests for confidentiality nor withheld a summary of a complaint. **There are no options currently open to the Standards Committee to change these arrangements. However the Standards Committee could consider forwarding these comments to Standards for England and Communities and Local Government to consider when reviewing the relevant regulations and statutory guidance.**

#### Vexatious complainants

According to the current legislation and guidance from Standards for England vexatious complainants cannot be prevented from making complaints against Councillors and these complaints must be considered by the Assessment Sub-Committee. However, should a complaint reveal a potential breach of the Members' Code of Conduct the Assessment Sub-Committee have adopted assessment criteria which allow them to take no action on a complaint which appears to be malicious, politically motivated or tit-for-tat. If the complaint does not reveal a potential breach of the Code of Conduct, no action can be taken anyway. **There are no options currently open to the Standards Committee to change these arrangements. However the Standards Committee could consider forwarding these comments to Standards for England and Communities and Local Government to consider when reviewing the relevant regulations and statutory guidance.**

#### Information provided to Members and right to attend the Sub-Committee

The Standards Committee (England) Regulations 2008 only allow the following information to be provided to the subject Member prior to the meeting:

- Confirmation that a complaint has been made;
- The name of the complainant (unless they have requested confidentiality);
- The paragraphs of the Code of Conduct which are alleged to have been breached (but no details of the complaint itself); and
- The date the complaint will be considered.

The Regulations also prevent both the subject Member and the complainant from attending the Sub-Committee meeting. **There are no options currently open to the Standards Committee to change these arrangements. However the Standards Committee could consider forwarding these comments to Standards for England and Communities and Local Government to consider when reviewing the relevant regulations and statutory guidance.**

#### Publicity regarding the complaints process and individual complaints

The Standards Committee (England) Regulations 2008 require the Standards Committee to publish details of the address to which complaints against Councillors should be sent along with the procedure for how the Standards Committee will consider such complaints. The Regulations also require the



Standards Committee to take reasonable steps to ensure that these details continue to be brought to the attention of the public. One of the methods identified in the guidance from Standards for England is the authority's website.

No publicity regarding a specific complaint (e.g. newspaper notices) would be generated by the Council until after the final investigation report had been considered by the Assessment Sub-Committee and/or the Hearings Sub-Committee, and if the subject Member was found not to have breached the Code of Conduct they would be entitled to request that no such notice was produced. Case summaries are no longer published on the Council's website, and the minutes of Sub-Committee meetings are anonymised. Members of the public can view a summary of the complaint on request, as required by the Regulations. **There are no options currently open to the Standards Committee to change these arrangements. However the Standards Committee could consider forwarding these comments to Standards for England and Communities and Local Government to consider when reviewing the relevant regulations and statutory guidance.**

#### Preliminary investigation

Complaints cannot be investigated prior to the Assessment Sub-Committee having met to consider the complaint and deciding to refer the matter for investigation. Officers are able to carry out pre-assessment enquiries and gather readily obtainable information (such as copies of minutes or the Register of Interests), but must not seek opinions on the allegation or stray into investigation. The subject Member would always receive notification that the complaint was being referred for investigation before the investigation actually commenced. **There are no options currently open to the Standards Committee to change these arrangements.**

#### Review requests

It would not be possible for the subject Member to receive a letter explaining that their case was being reviewed until after they had received a decision notice from the Assessment Sub-Committee containing a summary of the complaint. This is because the complainant's right of review does not commence until they have also received a copy of the decision notice. **However, in order to ensure that the subject Member understands which complaint is being reviewed the Standards Committee could consider including a further summary of the complaint or attaching a further copy of the decision notice to the letter to the subject Member.**

#### Interpretation of the Code of Conduct

The guidance provided to the Assessment and Review Sub-Committee Members on the Code of Conduct is either taken directly from published guidance by Standards for England or is sought directly from the Standards for England advice team. Therefore the interpretation of the Code of Conduct in Leeds City Council should be the same as that in other authorities. **There are no options open to the Standards Committee to change these arrangements.**