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 Our Ref: Local Assessment Review

15th February 2010

Dear Dr. Robert Chilton,

Review of Local Assessment Arrangements

We noticed in the 'View from the Chair' section of the Standards for England website, that the Board is carrying out a review of the local standards framework looking particularly at its effectiveness and proportionality. We also noted that you are particularly considering the issues of timeliness, cost, sanctions, process, transparency and how we deal with trivial / tit-for-tat / vexatious complaints, and that you will be submitting your recommendations to Communities and Local Government in the spring.

We recently carried out a survey of all 99 Councillors in Leeds City Council asking them various questions about the current arrangements for receiving and assessing complaints against Members. 18 Councillors responded to the survey, and the results showed that those Members are still broadly unhappy with the local assessment process. Unfortunately the majority of comments we received as part of the survey relate to the content of the Regulations or guidance and so cannot be addressed by our Standards Committee. The Standards Committee therefore resolved that they should be forwarded to the Board for consideration as part of your review of local assessment.

The comments from certain Members focused on the following issues:

Vexatious, political and malicious complaints. Members felt that the present process lays elected Members open to abuse, as there appear to be no steps which can be taken against malevolent, malicious or tendentious complainants. Some Members suggested that there should be mechanisms for dealing with those who make vexatious, malicious or trivial complaints, such as having Standards Committee reports which name such complainants. Some Members also felt that individuals who are known to be malicious complainants should not be dealt with in exactly the same manner as those who do not fall into this category. The Members also felt that there should be a way of recognising and dealing with "political agitators".

Publicity afforded to the complaints process. One Member felt that having a section on the Council's website, and other publicity which explains how people can complain about elected Members may encourage trivial complaints. This Member also stated that sometimes they have to refuse requests for assistance from constituents for the good of the wider community, and publicising the complaints process encourages such constituents to waste a great deal of officer and Member time on trivial complaints.

One Member also expressed the view that no publicity should be generated until the case has been properly heard and decisions have been made, suggesting that case summaries should not be made available for public inspection until a case has been fully investigated and a conclusion reached.

Information which can be provided to the subject Member i.e. subject Members are not provided with a summary of the complaint until after the Assessment Sub-Committee has met to consider it, and the identity of the complainant may be withheld if the complainant has requested confidentiality and the Assessment Sub-Committee is yet to consider this request.

Some Members expressed the view that it is a fundamental principle of law that a person should know his accuser, and that 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. Several Members stated that natural justice suggests everyone accused should be aware as early as possible of the allegation, and that 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.

One Member suggested that a complainant should not have any right to confidentiality and nor should details of the complaint be withheld from the subject Member. One Member also expressed concerns about how this element of the Regulations can affect the good working relationship that elected Members have with their constituents, as if they do not know who has complained about them, they make the assumption that everybody they meet could be the complainant and treat them with suspicion.

It was also suggested that the relevant 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.

The Regulations do not allow the subject Member to have any input into the initial assessment process. Three Members felt that they should be able to put their response to the Assessment Sub-Committee before it makes its decision, and that it is not natural justice to take someone through the process of an investigation when this may not be necessary. One Member also felt that there should not be a presumption that the complainant is telling the truth, and the Assessment Sub-Committee should be able to take into account the subject Members' response so they can reach a view as to whether that is the case. There was a general view that 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 Assessment Sub-Committee, and that the current process is unfair as it does not allow the subject Member any input in the initial assessment process.

I would be grateful if you could consider these comments by some Members as part of your review of the local assessment arrangements. Please don't hesitate to contact me if you have any queries about any of these comments.

Yours sincerely,



Mike Wilkinson
Chair of the Standards Committee