

MEMBER COMPLAINT ASSESSMENT CRITERIA AT DIFFERENT STAGES

Annex A

Criteria for initial 2-stage filter

Stage 1 – Complaints the Council cannot deal with (Jurisdictional test)

1. It is about someone who is no longer a Spelthorne Borough councillor or was not in office at the time of the alleged conduct; or
2. It appears there can be no breach of the Code of Conduct, for example,
 - it relates to the Councillor's private life; or
 - it is about dissatisfaction with a Council decision

Stage 2 – Complaints the Council would not normally refer for investigation

1. The complaint is not considered sufficiently serious to warrant investigation; or
2. There is insufficient information available for a referral or to demonstrate a potential breach of the Code; or
3. There are alternative, more appropriate, remedies that should be explored first; or
4. Where the complaint is by one councillor against another, the complaint has arisen from comments made during a robust political debate (but not personal abuse), bearing in mind the right to freedom of expression; or
5. The complaint appears to be simply motivated by malice or is "tit-for-tat"; or
6. The complaint appears to be politically motivated, vexatious or trivial; or
7. Where the member complained of has apologised and/or admitted making an error and the matter would not warrant a more serious sanction; or
8. The same, or similar, complaint has already been investigated and no new material evidence has been submitted; or
9. The complaint has not been received within 3 months of the alleged misconduct unless there are exceptional circumstances e.g. allegation of bullying, harassment etc; or
10. The matter occurred so long ago that it would be difficult for a fair investigation to be carried out; or
11. It is an anonymous complaint, unless it includes sufficient documentary evidence to show a significant breach of the Code of Conduct.

Whilst complainants must be confident that complaints are taken seriously and dealt with appropriately, deciding to investigate a complaint or to take further action will cost both public money and officers' and members' time. This is an important consideration where the complaint is relatively minor.

Annex B

Criteria for referral to Standards Assessment Sub-Committee

1. Where a complaint has been made by the Monitoring Officer or Chief Executive; or
2. Where a matter is high profile i.e. a complaint about the Leader or Mayor; or
3. Such other complaints as the Monitoring Officer considers it is not appropriate for him/her to investigate.

Annex C

Criteria for informal resolution at any stage in the process

Informal resolution may be considered appropriate where the matter relates to:

1. The same particular breach of the Code by many members; or
2. A general breakdown of relationships, including those between members and officers; or
3. Misunderstanding of procedures or protocols; or
4. Misleading, unclear or misunderstood advice from officers; or
5. Lack of experience or training; or
6. Interpersonal conflict; or
7. Allegations and retaliatory allegations from the same members; or
8. Allegations about how formal meetings are conducted; or
9. Allegations that may be symptomatic of governance problems within the Council; or
10. Matters which are more significant than the allegations in themselves.

This is not an exclusive list.