

## Communications Strategy in relation to Member Complaints

1. This Strategy aims to set out guidelines on what can be communicated during any ongoing complaint. This covers both public statements to the media and communications with the Subject Member and Complainant and if appropriate the Parish Council.

### Statements to the Media

2. This part of the Strategy acts as a simple reference tool for any Councillors or staff who engage with the media. It also helps to manage expectations.
3. The aim of the Strategy is to ensure that the Council is seen to communicate in a professional and objective manner. In all cases, the Council's approach to the media should be:
  - Open and honest whilst respecting the human rights of those parties involved.
  - Responsive and timely.

4. All media communications will be made by the Council's PR and Marketing Manager in consultation with the Monitoring Officer and the Chairman of the Corporate Governance and Standards Committee.

**Formatted:** Numbered + Level: 1 + Numbering Style: 1, 2, 3, ... + Start at: 1 + Alignment: Left + Aligned at: 0.63 cm + Indent at: 1.27 cm

4.5. \_\_\_\_\_ At the first stage of the process when a complaint is being assessed it is not usual to make any public statement about a case. However, some matters may be in the public domain at an early stage. Where the Council is asked to comment on an allegation at this stage which has not been assessed, the Council should simply confirm or where appropriate deny the fact that an allegation has been received and is being assessed.

**Formatted:** Font: (Default) Arial

**Formatted:** Normal, Indent: Left: 0.63 cm

5.6. \_\_\_\_\_ Where following assessment no action is to be taken on a case the Council should not proactively draw public attention to an allegation which is not being pursued. However, where a public statement is necessary, the Council should give the reasons why no further action is being pursued.

6.7. \_\_\_\_\_ Where following assessment some further action is being taken, either the matter is being investigated or some other resolution is being pursued or has occurred, a more pro-active stance may be necessary such as a short statement being made available to confirm the fact e.g. that an investigation is now underway, and that no further comments will be made until the conclusion of the case. Councillors and Officers should not make any comments one way or the other while an investigation is ongoing. All information gathered in the course of an investigation will be regarded as confidential. All parties that are interviewed will be requested to maintain confidentiality and Councillors will be reminded of their obligation under paragraph 3 of the Code of Conduct not to disclose information that they have

received in confidence. Any draft report issued by an Investigating Officer will be marked "Confidential" to preserve the integrity of any further investigation, the Investigating Officer may need to carry out. Release of confidential information to the media may lead to an investigation being terminated.

7.8. \_\_\_\_\_ Where some other resolution has been reached, this could be made available with the consent of the Subject Member.

8. Once an investigation has been completed and gone to a hearing the Corporate Governance and Standards Committee will arrange for a summary of the decision and reasons for that decision to be published on the Council's website with the following detail:
  - 8.1 If the Hearings Sub-Committee finds that a Subject Member did not fail to follow the relevant authority's Code of Conduct, the public summary must say this, and give reasons for this finding.
  - 8.2 If the Hearings Sub-Committee finds that a Subject Member failed to follow the Code of Conduct, but that no action is needed, the public summary must say that the Subject Member failed to follow the Code of Conduct, outline what happened and give reasons for the Hearings Sub-Committee's decision not to take any action.
  - 8.4 If the Hearings Sub-Committee finds that a Subject Member failed to follow the Code of Conduct and it sets a sanction, the public summary must say that the Member failed to follow the Code of Conduct, outline what happened, explain what sanction has been set and give reasons for the decision made by the Hearings Sub-Committee.
9. The Corporate Governance and Standards Committee may also make available the minutes and reports of the Hearings Sub-Committee.

#### Step by Step Guide for the Complainant and Subject Member on the Complaint Process

1. Complaint Form received with supporting evidence in writing by the Monitoring Officer who acknowledges the complaint within 5 working days and may seek additional information/supporting evidence if required.
2. Initial Jurisdiction Test, is then undertaken, within a further 5 working days, once all requested additional information is received.
3. If the complaint does not pass the Initial Jurisdiction Test this is the end of the matter and the Complainant will be notified in writing within 5 working days of the Initial Jurisdiction Test being completed.
4. If the matter passes the Initial Jurisdiction Test the Subject Member is contacted regarding the Complaint and is given a right of reply to the Complaint. The Subject Member will be given 10 working days to respond or longer if in the opinion of the Monitoring Officer circumstances warrant it.

5. The Monitoring Officer will consult and obtain the views of the Independent Person and in consultation with the Independent Person will assess the Complaint using the Assessment Test criteria and make a decision in relation to the Complaint using the Decision Notice which will evidence how the Complaint was assessed. If a decision is made that there is no action to be taken in relation to the Complaint the reasons for this will be clearly set out on the Decision Notice and the parties will be informed accordingly. The decision taken by the Monitoring Officer can usually be achieved within 20 working days of receipt of the original complaint. This time limit will be exceeded if the Complaint needs to be referred for a decision to the Assessment Sub-Committee of the Corporate Governance & Standards Committee. The result of the assessment will be sent to the Complainant and Subject Member and if relevant the Parish Council.
6. The Monitoring Officer may attempt an informal resolution to the case such as mediation, apology, training or even referral to the Parish Council for a possible local resolution if the complaint is about a Parish Councillor.
7. If there is potentially criminal conduct or a breach of other regulations the complaint could be referred to the Police and no further action will be taken on the case until the Police have concluded their investigations and made a decision on whether matters will be pursued further.
8. Alternatively, the Monitoring Officer ~~may~~ decide that the case merits an investigation, necessitating the appointment of an Investigator. A realistic time frame will be set for the appointment of an investigator and how long the investigation will take, depending on the nature of the case.
9. The Investigator issues a draft report, which will need to be finalised taking account of comments received from the Complainant, Subject Member and Monitoring Officer who may wish to liaise with the Independent Person.
10. Once the Investigator's report achieves final report status the Monitoring Officer in consultation with the Independent Person has to decide whether there will be no further action on the Complaint, ~~to propose or agrees~~ informal resolution or ~~to refer~~ the matter for ~~determination~~ investigation via the Hearings Sub-Committee
11. The Hearings Sub-Committee will decide whether there has been a breach of the Code of Conduct and if so whether any sanctions should be applied. In the case of a Parish Council complaint, the Hearings Sub-Committee can only make a recommendation to the Parish Council on their findings and a recommendation on any sanctions they believe should be implemented. The decision of the Hearings Sub-Committee takes place in consultation with the Independent Person and if a Parish Council matter the co-opted Parish Member of the Corporate Governance & Standards Committee.
12. The decision of the Hearings Sub-Committee will be issued within 10 working days and published on the Council's web-site.

(Insert flow chart – code of conduct complaints )