

# APPENDIX 'B'

## How the Council deals with complaints about member conduct

### Complaints Process

If you want to complain about the conduct of a member of Herefordshire Council or a member of one of our parish or town councils, you must submit your complaint, in writing, to:

The Monitoring Officer (Assistant Director – Law Governance and Resilience)  
Herefordshire Council  
Brockington  
35 Hafod Road  
Hereford HR1 1SH

or e-mail it to [cchapman@herefordshire.gov.uk](mailto:cchapman@herefordshire.gov.uk)

Complaint forms are available from the resources box below; from the Monitoring Officer (Assistant Director – Law Governance and Resilience), Brockington, 35 Hafod Road, Hereford HR1 1SH, or by contacting our offices on 01432 260200.

This complaints process can only deal with complaints about the behaviour of a member. It will not deal with complaints about matters that are not covered by the members' Code of Conduct. If your complaint does not concern a councillor, see Herefordshire Council's general complaints process on the [Customer Feedback page](#).

### How complaints are dealt with (see also Flow Chart attached)

- When the Monitoring Officer receives a complaint he or she undertakes an initial appraisal to decide whether some action should be taken. This appraisal will include the following:
  - Assessing whether the complaint appears to be covered by the Council's Code of Conduct for members
  - Deciding whether the complaint is appropriate for investigation (e.g. is it not sufficiently serious; not in the public interest; vexatious, malicious or obsessive; political tit for tat; broadly similar to another complaint about the same issue?)
  - Deciding whether the complaint is really about (eg) a service delivery matter, the policies and practices of the Council or the conduct of an officer. Such complaints will be transferred to the appropriate procedure
  - Notifying the member of the complaint and obtaining an initial response
- The Monitoring Officer may consult the Council's Independent Persons, who have been appointed by the Council for this purpose and are not elected members
- The Monitoring Officer will attempt to resolve complaints informally wherever possible and (when it is appropriate to do so) complaints may be resolved informally in a number of ways, which could include:
  - provision of advice;

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- provision of training;
- inviting an apology;
- mediation.
- If the complaint cannot be resolved informally, then it will be referred to a panel chaired by an Independent Person and assisted by two others, who would normally be an elected member of Herefordshire Council and a parish councillor. The panel would meet to consider submissions made either in person or in writing by the complainant, the subject member and the Monitoring Officer. The complainant will be notified of the procedure which will be followed. The Independent Person then produces a report with recommendations. We aim to conclude this part of the process within twelve weeks of receiving a complaint. The report will be published on the Council's website.
- The report of the panel will be presented, either:
  - to the Council's Audit and Governance Committee in the case of a complaint against a member of Herefordshire Council ; or
  - to the relevant town or parish council in the case of a complaint against a town or parish council member.

That body will then decide what action to take on the recommendations in the panel's report.

- In a case involving a member of Herefordshire Council, the Audit and Governance committee, has a broad discretion about the action it can take but it cannot fine, suspend or disqualify a member from membership of the authority itself. Some examples of possible action are:
  - (a) Censuring the member
  - (b) Reporting its findings to Council for information;
  - (c) Recommending to the member's Group Leader (or in the case of ungrouped members, recommending to Council or to Committees) that he/she be removed from any or all Committees or Sub-Committees of the Council;
  - (d) Recommending to Council that the member be replaced as Executive Leader of the authority;
  - (e) Recommending to the Leader of the Council that the member be removed from the Cabinet, or removed from particular Portfolio responsibilities;
  - (f) Recommending the Monitoring Officer to arrange training for the member;
  - (g) Recommending to Council that the member be removed from all outside appointments to which he/she has been appointed or nominated by the authority

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- In a case involving a member of a town or parish council, that council has similar discretion about the action it can take. It cannot fine, suspend or disqualify a member from membership of the council itself. Some examples of possible action are:
  - (a) Censuring the member
  - (b) Recommending the Monitoring Officer to arrange training for the member;
  - (c) Recommending to the council that the member be removed from all outside appointments to which he/she has been appointed or nominated by the authority

### **When this procedure comes into force**

This procedure comes into force on 20<sup>th</sup> July 2012 and covers all new complaints received after 1<sup>st</sup> July 2012. With modification it also covers complaints which were being handled by the Council's former Standards Committee but were not completed by 30<sup>th</sup> June 2012.