

Chart Sutton Parish Council

Code of Conduct Complaints Policy

Chart Sutton Parish Council attempts to always work in an open and accountable way. It is recognised that there might be complaints against Parish Councillors but in order to be fair to individual members the Parish Council will not publicly acknowledge such a complaint until the independent Monitoring Officer (MO)/MBC Standards Committee consider that there is a case to investigate.

Details of how to make a complaint are at the Maidstone Borough Council website (www.maidstone.gov.uk/complaints).

When the MBC Standards Committee is considering a complaint about a Parish Councillor it is required to notify the Parish Council of certain information at various stages of the case handling process. Three stages exist and whilst at stage 1 and 2 the complaint is not advertised by the Monitoring Officer or MBC the complainant might decide to advertise/go public about his or her complaint.

Stage 1. MBC Monitoring Officer receives a complaint of misconduct and refers it to the Borough Council's Standards Sub-committee. The Sub-Committee decides whether to ask the MO to investigate, to direct the MO to take other action (eg training), or to, take no further action. No investigation takes place at this stage and the complaint is dealt with on the basis of the written complaint, although the MO may ask the Parish Clerk for certain detail e.g. the councillor's acceptance of office, minutes of relevant meetings, copy of parish code of conduct. If the sub-committee decide to take no further action, the complainant may ask the Borough Council's Standards Review Panel to look at again. The panel can make any of the 3 decisions available to the Sub-Committee. At this stage MBC does not publish details.

Stage 2. MBC Monitoring Officer will instruct an Investigating Officer (IO) to undertake an investigation, and will report to the Standards Sub-committee. If the IO finds no breach the Sub- committee can either accept this finding, or refer the matter to a hearing. If the IO finds a breach the Sub-committee can either refer the complaint (if it is serious) to the National Adjudication Panel for England (soon to be renamed) or to a hearing by the Sub-committee.

Stage 3. The Standards Sub-committee holds a hearing in public. The IO calls evidence and the member who is being complained about will usually attend and present a case in their defence. The Sub-committee will usually withdraw from the public to consider the evidence and will return to announce the decision. At the conclusion of the investigation the Standards Committee might decide, amongst other things, (and other options are open to the Standards Committee)

- That the councillor be censured
- That the councillor makes a written apology
- That the councillor be suspended for up to 6 months.
- That there has been no breach of the code

The Chart Sutton Parish Council procedure for dealing with notification of a complaint about a councillor is;

Stage 1

On notification of a complaint the Chair of the Parish Council (or if necessary the Vice Chair or Clerk) will write a **confidential** briefing note to all councillors stating that Councillor X is the subject of a complaint to the MBC Standards Committee. In the interests of fairness the issue/complaint will not be discussed at any Parish Council meeting.

If the decision is to take no further action then the Chair of the Parish Council (or if necessary the Vice Chair or Clerk) will write a **confidential** briefing note to all councillors stating no further action is being taken. The issue/complaint will not be discussed at any Parish Council meeting and it is up to Councillor X whether he/she wishes to have the complaint acknowledged publicly as unfounded.

Stage 2

On notification that this is going to stage 2 the Chair of the Parish Council (or if necessary the Vice Chair or Clerk) will again write a **confidential** briefing note to all councillors stating that the complaint is being investigated further. The issue/complaint will not be discussed at any Parish Council meeting* however the Chair and Vice Chair will draft a press release in case the complaint becomes public. The press release will stick to the facts and not comment on the actual complaint.

If the decision is to take no further action then the Chair of the Parish Council (or if necessary the Vice Chair or Clerk) will write a **confidential** briefing note to all councillors stating no further action is being taken.

Stage 3

On notification that this is going to stage 3 the chair of the Parish Council (or if necessary the Vice Chair or Clerk) will again write a briefing note to inform all councillors of the situation. The issue will be acknowledged as an item at the next Parish Council Meeting. The Parish Council (and individual councillors if approached) will stick to the facts and not comment on the actual complaint. The press release will be released if necessary.

At conclusion of stage 3 the Parish Council will prepare another press release and also acknowledge the decision of the Standards Committee. A draft of this press release will be supplied to all councillors. If it is felt necessary an emergency Parish Council meeting will be arranged.

Note. A decision/recommendation made by the MBC Standards Board might require the Parish Council to discuss generalities (i.e. need for and cost of training) but specifics of the complaint/decision will not be discussed.