

Committee(s)	Dated:
Standards Committee	15 th May 2015
Subject: Complaints Process Review	Public
Joint report of: The Town Clerk and The Comptroller & City Solicitor	For Information

Summary

At the last meeting of the Committee on 20th February 2015, following a discussion about the Committee's terms of reference and frequency of future meetings, Members requested a review of the current complaints procedure in respect of alleged breaches of the Code of Conduct by the City Corporation's Members and Co-opted Members.

This report sets out the current complaints procedure and the governance arrangements in respect of the Sub Committees that are constituted to consider any alleged breaches of the Code of Conduct. The report invites Members of the Standards Committee to consider and comment on the current complaints process.

Recommendation

Members are asked to note the report and the existing arrangements in respect of responding to and managing alleged breaches of the Members' Code of Conduct.

Main Report

Background

1. At the meeting of the Standards Committee on 20th February 2015, following a discussion about the Committee's terms of reference and frequency of future meetings, Members requested a review of the current complaints procedure in respect of alleged breaches of the Code of Conduct by the City Corporation's Members and Co-opted Members.
2. The current complaints procedure, as set out in Appendix 1, has existed since it was approved by the Standards Committee on 23rd November 2012, following the introduction of the Localism Act 2011 which required the City Corporation to have arrangements under which written allegations of a breach of the Member Code of Conduct could be investigated and decisions on those allegations could be taken.
3. In November 2012, the previous Complaints Procedure (How Complaints Submitted To The City Of London's Standards Committee Will Be Dealt With) was amended to reflect the changes introduced through the Act, including the

statutory role of the newly created Independent Person/s in the complaints process.

4. At that time it was noted that the informal resolution of some complaints by the Chief Commoner or the Chairman of the Privileges Committee of Aldermen did not prejudice the requirement for all formal written complaints to be dealt with by the Standards Committee. It was also noted that over a 10-year period, prior to November 2012, the Standards Committee had only considered one complaint, which had been deemed vexatious and had been dismissed by the Committee. The alleged breach of the Code of Conduct was considered by an Assessment Sub (Standards) Committee on 24th February 2014 which concluded unanimously that no investigation should take place in relation to any of the allegations and nor was any other action appropriate in the circumstances. The Independent Person was of the same view. No further complaints have been received following the introduction of the revised Complaints Procedure.
5. In approving the revised Complaints Procedure in November 2012, Members noted that the arrangements must be flexible to allow Officers to make minor amendments to the handbook to capture and deal with matters arising in the future. Since this time the procedure, as appended, has been amended slightly in light of the alleged breach that was considered in February 2014. Additionally, the request for a complaint's equality data which was included in the complaint form was removed upon advice from HR.

Current Position

6. The Complaints Procedure is also appended to the new Standards Committee Handbook which is before the Committee for consideration at item 10.
7. Whilst the existing Complaints Procedure fulfils the requirements of the Localism Act 2011, the Standards Committee has requested the opportunity to review the current arrangements, specifically in respect of the arrangements for consulting with the Independent Person/s following an alleged breach of the Code of Conduct.

Corporate & Strategic Implications

8. The Standards Committee's complaints procedure clearly sets out the City of London Corporation's arrangements for the management of alleged breaches of the Code of Conduct by Members and Co-opted Members and ensures that that the organisation's governance framework is robust and transparent.

Conclusion

9. It is important that the City Corporation has a robust and transparent governance framework of which the Complaints Procedure is one aspect. Members are therefore invited to review and comment on the existing procedure.

Appendices

Appendix 1 - Complaints Procedure (How Complaints Submitted To The City Of London's Standards Committee Will Be Dealt With)

Appendix 2 – Complaints Form

Background Papers

Report and minutes - Standards Committee, 23 November 2012

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