

WANDSWORTH BOROUGH COUNCIL

COMPLAINT ASSESSMENT GUIDELINES
FOR USE BY THE MONITORING OFFICER

A. Whether action should be taken to pursue a complaint of an alleged breach of the Code of Conduct for Members

1. **Is the complaint within the jurisdiction of the Code?**

For example, is the nature of the complaint covered by one of the Code's provisions or is it concerned with say service delivery/Council policy issues?

2. **Is the complaint about someone who is no longer a Member of the Council but is a Member of another authority? If so, should the complaint be referred to the Monitoring Officer of that other authority?**

Where the answer to the first question is "yes", the normal expectation will be that the complaint should be referred to the Monitoring Officer of that other authority for consideration.

3. **Has the complainant submitted enough information to determine whether the complaint should be referred for investigation or other action?**

Where the answer to this question is "no", no further action is likely to be taken unless, or until, further information is provided.

4. **Does the complaint disclose a prima facie breach of the Code?**

If the answer to this question is "yes", a view will need to be taken on whether it is in the public interest to conduct an investigation or other appropriate action, such as training, or mediation and conciliation.

Addressing the following further questions may be relevant in considering whether further action is justified.

5. **Has the complaint already been the subject of an investigation or other action relating to the Code of Conduct? Similarly, has the complaint been the subject of an investigation by other regulatory bodies?**

If the answer to either question is "yes", nothing more is likely to be gained by further action being taken.

6. **Is the complaint about something that happened so long ago that there would be little merit in taking action now?**

If the answer to this question is "yes", there would appear to be little, if any, justification for expending funds/Member and Officer time in pursuing the complaint further.

7. Is the complaint too trivial to warrant further action?

Where the answer to this question is “yes”, there would appear to be little, if any, justification for expending funds/Member and Officer time in pursuing the complaint further.

8. Does the complaint appear to be malicious, vexatious, an abuse of process, politically motivated, tit-for-tat or part of a campaign against certain Members or a particular Member?

Where the answer to this question is “yes”, the complaint is likely to be viewed as not serious enough to warrant the expenditure of funds/Member and Officer time in pursuing the complaint further.

9. Does the complaint refer to comments made by a Member which could, in the overall context, reasonably be regarded as fair comment recognising that the role of a Member will at times entail robust political debate and the firm expression of differences of opinion?

Where the answer is “yes” the complaint is likely to be viewed as not serious enough to warrant the expenditure of funds/Member and Officer time in pursuing the complaint further.

B. Whether it would be appropriate to consider “informal” action in response to a complaint

Matters which might appropriately be dealt with by “informal” action include:

- a) the same particular breach of the Code by many Members, indicating poor understanding of the Code and the authority’s procedures
- b) a general breakdown of relationships, including those between Members and officers, as evidenced by a pattern of allegations of minor disrespect, harassment or bullying to such an extent that it becomes difficult to conduct the business of the council
- c) misunderstanding of procedures or protocols
- d) misleading, unclear or misunderstood advice from officers
- e) lack of experience or training
- f) interpersonal conflict
- g) allegations and retaliatory allegations from the same Members
- h) allegations about how formal meetings are conducted and allegations that may be symptomatic of governance problems within the council, which are more significant than the allegations in themselves

C. Whether to grant a request by a complainant for their complaint to be treated in confidence

1. Whilst such requests will be considered on their merits, the following provide illustrations of circumstances that may justify a request for confidentiality, in whole or in part, to be accepted:-
 - (a) The complainant is an officer who works closely with the subject Member and they are afraid of the consequences to their employment or of losing their job if their identity is disclosed.
 - (b) The complainant suffers from a serious health condition and there are medical risks associated with their identity being disclosed. In such circumstances, the complainant may be required to provide medical evidence of the condition.
2. In some cases, such as allegations of bullying, it may be necessary to discuss and agree arrangements with the complainant since it could be difficult to investigate such a complaint effectively while maintaining confidentiality.

D. Whether an anonymous complaint should be pursued

When an anonymous complaint of an alleged breach of the Code is received, the complaint will only be referred for investigation or other appropriate “informal” action if there is evidence indicating an exceptionally serious or significant breach of the Code.