

Appendix A

Review of Arrangements For Dealing with Complaints About Councillors - Schedule of Changes

Amendments to Current Arrangements

Current Arrangements Reference	Amended/Moved/Removed	Reason
Title of the Arrangements	Amended to: Arrangements For Dealing With Complaints About Councillors	The link to view the Arrangements on NWL's website already uses the proposed name, then when the document opens up it has the current name at the top. The proposed name is more clear as to what the document contains and its purpose, and streamlines the name across all places. With the current name, it may cause confusion as to what the document relates to, especially as it does not match the name on the website link.
Title of the Flowchart	Amended to: Flowchart re: Arrangements For Dealing With Complaints About Councillors	As above, this streamlines the naming of the document and makes it more clear that the flowchart is connected to the Arrangements.
Clause 1, Paragraph 1 – Members' Code of Conduct	Amended to: Councillors' Code of Conduct	This brings the reference to the Code into line with the name change which had previously been agreed.

Clause 2 – available on request from the Civic Offices	Amended to: Council Offices at Whitwick Business Centre, Whitwick Business Park, Stenson Road, Coalville, LE67 4JP	Updating the location of where the code of conduct can be requested.
Clause 3 – address for complaints	Amended to: North West Leicestershire District Council, PO Box 11051, Coalville, Leicestershire, LE67 0FW	Updating the address for complaints to be sent to, as this previously had the old address.
Anonymous and Confidential Complaints (page 2) – ‘Where the complainant wishes to remain anonymous...’	Amended to: ‘Where the complainant wishes for their identity to remain confidential...’	Anonymous/confidential had been used interchangeably, but relate to separate points. Anonymous complaints are where the Council does not know who made the complaint. This line in the paragraph should refer to a confidential complaint, as the Monitoring Officer will know the complainant’s identity but the issue is whether the Subject Member should be told.
Clause 4, paragraph 6 – ‘dealing with a matter by alternative resolution’.	Amended to: ‘dealing with a matter by informal resolution’.	The wording throughout the Arrangements refers to informal resolution, the change keeps it consistent.
Clause 5, paragraph 4 and Clause 6, paragraph 2	Removal of: ‘it will be at the Chair’s discretion as to whether the complainant and/or Subject Member may be able to observe the meeting if it is being held in closed session’.	The references in the Arrangements to the Chair’s discretion as to whether the complainant and/or Subject Member can observe if a meeting has been deemed to be a closed session has been removed, as it is felt this would go against the

		confidentiality provisions of the LGA 1972.
<p>Clause 5, paragraph 5</p> <p>and</p> <p>Clause 13</p> <p>(Provisions relating to Appeals)</p>	<p>Clause 5 - Removal of 'who may be given leave by the Committee to appeal the decision. Such appeal will only be granted where there is new evidence in relation to the complaint.'</p> <p>Clause 13 - Removal of the appeals wording, the paragraph will simply read: 'There is no right of appeal for the complainant or for the Subject Member. If you feel that the authority has failed to deal with your complaint properly, you may make a complaint to the Local Government and Social Care Ombudsman. Details can be found here https://www.lgo.org.uk/make-a-complaint/fact-sheets/other-topics/complaints-about-standards-and-member-conduct'</p> <p><i>See also Appendix D for the consequential amendments to the Constitution which will be required if these amendments are approved.</i></p>	<p>There is not a requirement for this stage of the procedure to be present in the Arrangements. The LGA Guidance provides: "There should be no right of appeal against a decision not to take any further action if the system is to be efficient and proportionate" and goes on to state, "There should be no appeal allowed either for the subject member or the complainant. Where a breach has been found and the matter is going to a hearing the parties will have their chance to have their say on the investigation at that stage. Where no breach has been found, no action taken or the matter otherwise resolved, that will be the end of the matter."</p> <p>The point above has already dealt with why the appeal stage is being removed. At the point where a review would take place, the complaint would have already gone through a number of stages, as shown on the flowchart, and would have been considered fully and fairly.</p>

		<p>This step is therefore somewhat superfluous, as on each occasion where the 'Review Committee' stage occurs, there has already been a fact-finding exercise, report to the assessment sub-committee, and public interest consideration. At the 'breach of the code' stage, the complaint would have additionally been through formal investigation via and external party, and the determination sub-committee.</p> <p>The LGA Guidance states, "Given that the framework and sanctions are meant to be light-touch and proportionate, there should be no right of appeal against a decision on a Code of Conduct complaint."</p>
<p>Clause 5, paragraph 7</p>	<p>Amended to: 'Should the Committee determine that the matter warrants a detailed investigation, the Monitoring Officer will appoint an Investigating Officer who may be an officer of another authority (e.g. a Monitoring Officer from another council) or an external investigator. The Investigating Officer will draft an initial plan for the investigation, and will have overall responsibility for the conduct and outcome of the investigation. The investigation will be carried out in accordance with the Investigations Guidance document, a</p>	<p>The amendment reflects the fact that each Investigating Officer may have their own method of carrying out the investigation, so allows them the flexibility of drafting their own investigation plan, rather than having to follow what is prescribed in the Arrangements.</p> <p>There is also reference to the Investigations Guidance document, to acknowledge the</p>

	copy of which the parties will be provided with at the time.'	existence of this and the fact it will be provided when needed.
Clause 5, paragraph 8	Paragraph amended as follows: 'In exceptional circumstances where it is appropriate to keep identities confidential, or disclosure of details of the complaint to the Subject Member might prejudice the investigation, the authority will need to decide whether or not to give the Subject Member a copy of the full complaint and whether the complainant should remain confidential. In such circumstances, the Monitoring Officer can delete names and addresses from the papers given to the Subject Member, or delay notifying the Subject Member until the investigation has progressed sufficiently. Any decision to withhold information should be kept under review as circumstances change. See further above re: Anonymous and Confidential Complaints.'	The paragraph which discusses keeping identities confidential has been amended slightly to bring it more into line with the LGA Guidance – normally the complainant's identity would be disclosed to the Subject Member, but it is acknowledged there are exceptional circumstances where it should remain confidential. The amended paragraphs acknowledges that this will be in exceptional circumstances, and that any decision to keep someone's identity confidential should be kept under review.
Throughout document	Capitalisation of Arrangements Correction of typos Updating numbering Capitalisation for defined terms.	Correcting numbering/typing errors, capitalisation and updates where required, to ensure an accurate and coherent document.
Flowchart	Removal of Review Committee stages	Reflects the point previously discussed, that there is not to be an appeals process.

Additions to Updated Arrangements

Paragraph Reference	Addition	Reason
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Clause 1, Paragraph 2 [and thereafter throughout the document]	Addition of defined term 'Subject Member'	Allows for consistency throughout the document by introducing a defined term which is capitalised throughout.
Clause 5, paragraph 3	'... as set out in the Constitution and as per Schedule 12A of the Local Government Act 1972...'	This addition simply sets out the legal provision and the fact this is also a constitutional requirement.
Clause 9	Addition of new paragraph, 'For any meeting dealing with exempt or confidential information, a summary of the outcome would need to be published setting out the main points considered, i.e. conclusions on the complaint and reasons for the conclusion.'	This reiterates the procedure, to acknowledge that even if a meeting deals with exempt or confidential information, there is certain information that still needs to be published.
Clause 10	Addition of new paragraph, 'As provided for in the Council's Constitution, the Sub Committees may co-opt at least one parish councillor when decisions are taken concerning a parish matter.'	The Working Group considered whether they wished to retain the ability to co-opt parish representatives for parish matters, which is currently set out in the Constitution but not provided for in the Arrangements. The Working Group were presented with evidence of how other Local Authorities operate, with the conclusion being there was no clear-cut method, and the Local Authorities looked at all deal with this slightly differently. Members expressed their support for the additional perspective which the Parish Representatives could offer but agreed if the data suggested that Members frequently opted to

		<p>co-opt the arrangements could then be reassessed. It was also suggested that a briefing would be offered to the Parish representatives and the annual member conduct report could be sent to them each year.</p>
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