

Summary Guide to the Procedure for Considering Complaints Alleging a Failure to Comply with the Members' Code of Conduct within Rotherham Borough Council

Introduction

This is a short guide to the Standards and Ethics Complaints Procedure. The Complaints Procedure is used to deal with complaints submitted under the Members' Code of Conduct adopted by Rotherham Borough Council and the Parish and Town Councils in the Borough. The full Complaints Procedure is available [here](#).

The Members' Code of Conduct applies to Elected Members and voting Co-opted Members when they are acting in that capacity, not in their private capacity. A copy of Rotherham Council's Code of Conduct can be downloaded from the Council's website by accessing 'Code of Conduct for Members' available [here](#).

A complaint can be submitted using this [link](#).

Alternatively, a copy of the Standards Complaint Form can be requested from the Legal Department - Tel: 01709 254437 or via Jill Dimbleby at jillian.dimbleby@rotherham.gov.uk.

Stage 1 - Initial Assessment by the Monitoring Officer

Complaints containing as much information as possible should be submitted to the Monitoring Officer on the above form.

The Monitoring Officer decides whether the complaint is valid or not (for factors effecting validity see full procedure).

Valid complaints will be things such as:-

- (a) Failing to treat others with respect
- (b) Bullying any person
- (c) Doing something to prevent those who work for the Council from being unbiased

For the full list of potential complaints please refer to the Complaints Procedure.

Stage 2 - Informal Resolution

If the complaint is held to be valid the Member is provided with a copy of the complaint and asked for their response to the complaint. The Member is asked if they will consider Informal Resolution of the complaint.

Types of informal resolution might include:-

- (i) An explanation by the Subject Member of the circumstances surrounding the complaint;
- (ii) An apology from the Subject Member;
- (iii) An agreement from the Subject Member to attend relevant training.

The Monitoring Officer will then provide a copy of the response and proposals for Informal Resolution to the complainant.

The Monitoring Officer then decides if the proposed Informal Resolution is an appropriate outcome of the complaint.

Stage 3 - Standards and Ethics Committee: Hearing Sub-Committee

The Monitoring Officer will prepare a report for consideration by the Complaints Hearing Sub-Committee. This report will include all appropriate information (such as minutes of meetings or Clerk's notes), a summary of the complaint and the efforts made to resolve the matter informally.

The Sub-Committee will comprise of 5 members of the Standards and Ethics Committee, one from the same political group as the Subject Member, one from a different political group, one Parish Councillor and two Independent Members. The Complainant, Subject Member and any relevant witnesses will also be in attendance. At the Hearing the Sub-Committee will hear from the complainant, the Subject Member, and witnesses about the complaint, and can ask questions about the same. The Sub-Committee will also receive the views of the Independent Person. The procedure used at the Sub-Committee Hearing is set out in the Order of Proceedings document, available [here](#).

The Sub-Committee will decide whether the Subject Member failed to comply with the Members' Code of Conduct, if so, whether further action is warranted and what form of sanction might be appropriate.

Available sanctions include:-

1. Censure or reprimand the Councillor;
2. Publish its findings in respect of the Councillor's conduct;
3. Instruct the Monitoring Officer to [or recommend that the Parish/Town Council] arrange training for the Councillor.

Please refer to the Complaints Procedure for the full list of sanctions.

The Sub-Committee has no power to suspend or disqualify the Councillor or to withdraw Members' or Special Responsibility Allowances.

After the Hearing the Monitoring Officer will prepare a formal Decision Notice in respect of the outcome of the Hearing which will be reported to the next meeting of the Standards and Ethics Committee.

There is no Right of Appeal for the Complainant or for the Subject Member (Councillor) against a decision of either the Monitoring Officer or any Hearing Sub-Committee.