

Croydon Council

Assessment Criteria: Code of Conduct complaints

In considering complaints received that there has been a failure by a Member or co-opted member of the Council to comply with the Council's Code of Conduct, the Monitoring Officer shall have regard to the following factors in reaching a decision on whether a complaint is appropriate to refer for investigation. The criteria set out are not exhaustive and include but are not limited to the following:

1. Does the information pertain to an allegation regarding Disclosable Pecuniary Interests? If so, this is a matter for the Police and is not a matter in respect of which the Council will accept an allegation.
2. Where the complaint is about someone who is no longer a Member or co-opted Member of the Council, no further action will be taken.
3. Where the complaint has already been the subject of an investigation by other regulatory authorities and the Monitoring Officer considers that further action will not benefit the public interest, no further action will be taken.
4. Where the period of time that has passed since the alleged conduct occurred is such that there would be little benefit in taking further action at the time of receipt of the complaint. For these purposes, it is considered that where a period of three months has elapsed since the alleged conduct occurred and no complaint has been received then this criterion will be likely to be engaged and the Monitoring Officer may consider that, in the circumstances of the case, it is appropriate to take no further action after the three month period.
5. Where the complaint is not considered sufficiently serious to warrant further action, no further action will be taken.
6. Where the complaint appears to be simply malicious, politically motivated or tit-for-tat no further action will be taken.
7. Where the complaint appears to relate to the "rough and tumble of political debate" and pertains to conduct between Members or Members and co-opted Members rather than between Members and the public or Members and officers, no further action will be taken.

8. Where the information provided is insufficient to make a decision as to whether the complaint should be referred for investigation, unless or until further information is received, no further action will be taken on the complaint.
9. Having regard to the sanctions available to the Council and bearing in mind the public interest, including the public interest in ensuring that best use is made of public resources, it is not appropriate to refer the matter for an investigation.
10. Where the complaint indicates that there is a lack of understanding of the Code or the Council's procedures, policies or protocols, the issues may be dealt with by way of recommending and/or arranging training rather than referring the matter for an investigation.
11. Where the complaint relates to the manner in which formal Council meetings are conducted, this will not be a matter in respect of which an investigation is instituted.
12. Where the complaint is one person's word against another's with no independent impartial witness verification such that ascertaining the true facts of the complaint may prove improbable, it is unlikely that further action will be taken on the complaint.
13. In appropriate cases, the Monitoring Officer may seek to resolve the complaint informally without the need for investigation. Such informal resolution may involve, for example, a discussion with the Member or the Member offering an apology. In circumstances where informal resolution is offered by the Member and the complainant chooses not to accept this, the Monitoring Officer will take this into account in determining whether the complaint merits formal investigation and may decide that no further action will be taken in such circumstances.

Complainants should be aware that the decision of the Monitoring Officer to take no further action on a complaint is final and is not subject to an internal right of appeal or review. Complainants do, however, retain their rights to approach the Local Government Ombudsman or seek legal redress if they remain dissatisfied. The Local Government Ombudsman can be contacted on 0300 061 0614 or 0845 602 1983 or by writing to them: The Local Government Ombudsman, PO Box 4771, Coventry CV4 0EH

The assessment criteria set out above will be reviewed and amended as necessary and in light of local experience.

January 2019