

Members' Complaints Procedure

**A procedure for dealing with a complaint that a
Member of the Council has breached the
Council's Code of Conduct**

First Draft V.2

Members' Complaints Procedure

Introduction

1. This procedure sets out the process to be followed by members and officers when investigating a complaint that a member of the City Council has contravened the Member's Code of Conduct.
2. The procedure deals with each stage of the process from the receipt of the complaint to the implementation of decision(s) of the Council's Standards Committee. The stages in the process of responding to the complaint can be summarised as:
 - Receipt and acknowledgement
 - Assessment against the criteria
 - Appropriate referral of the complaint
 - The hearing
 - Actions arising from the investigation
3. For the sake of brevity the following abbreviations have been used where appropriate in the procedure:
 - SC – the Council's Standards Committee
 - ASC – the Assessment Sub Committee of the Council's Standards Committee
 - RSC – the Review Sub Committee of the Council's Standards Committee
 - SBE – the Standards Board for England
 - MO – the Council's Monitoring Officer
 - Subject member(s) – the member(s) of the Council who is/are the subject of the complaint(s)
 - Independent member(s) – a person who is not an elected member or an officer of the Council or any other relevant authority and who is appointed to the Council's Standards Committee

Regulations

4. This procedure is based on guidance issued by the Standards Board for England which reflect the Standards Committee (England) Regulations 2008 and which in turn derive from the Local Government Act 2000, as amended by the Local Government and Public Involvement in Health Act 2007.

Role of the Standards Committee and its Sub Committees

5. The SBE advises that in order to carry out their functions efficiently and effectively, local authority Standards Committees must establish Sub Committees as these will allow the separate functions involved in the handling of cases to be carried out without any conflict of interest. The

Committees and Sub Committees suggested by the SBE, and their functions are listed in the following table:

Sub Committee	Functions/Responsibilities
Standards Committee (SC)	<ul style="list-style-type: none"> • Hearing of complaints referred for local investigation by the ASC • Hearing of complaints referred for local investigation by the SBE
Assessment Sub Committee (ASC)	<ul style="list-style-type: none"> • Assessing complaints that elected members of the Council have breached the Code of Conduct for Councillors • Making recommendations based on the outcome of their assessment
Review Sub Committee (RSC)	<ul style="list-style-type: none"> • Reviewing a decision by the ASC to take no action in response to a complaint

Make-up of the Standards Committee and the Sub Committees

6. The SC, ASC and RSC must each consist of at least three members who include an independent member. The SC and the Sub Committees must also be chaired by an independent member.
7. To enable the SC and its Sub Committees to function without a conflict of interest, there should be at least three independent members of the SC.

Aims and Scope of the Procedure

8. The aims of the Council's Members' Complaints Procedure are to:
 - Make it as straightforward as possible for members of the public to make complaints about matters which they consider to amount to misconduct by elected members of the Council
 - Ensure that complaints about elected members of the Council are investigated fairly and openly and that where appropriate the necessary action is taken to resolve the complaint
 - Ensure the complainant feels that their complaint has been properly investigated, even if the outcome does not uphold their complaint
 - Keep the complainant informed of the progress of their complaint and of the reasons for decisions
 - Respond to complaints within a reasonable time and in accordance with the requirements of the relevant legislation and guidance

Definitions

9. For the purpose of this procedure a complaint has been defined as:

‘An expression of dissatisfaction with the actions or behaviour of an elected member of the Council which amounts to a breach of the Members Code of Conduct.’

10. A copy of the members Code of Conduct can be accessed via the following link.

<http://dcc-dms01/CMISWebPublic/Binary.ashx?Document=11114>

A paper copy of the Members’ Code of Conduct may be obtained from:

Constitutional and Electoral Services, Derby City Council, PO Box 6292, Council House, Corporation Street, Derby, DE1 2ZL.

Scope of the Members’ Complaints Procedure

11. The Members’ Complaints Procedure is intended solely for the purpose of investigating complaints about the actions or behaviour of members of the Council which amount to a breach of the Members’ Code of Conduct.

12. The Members’ Complaints Procedure does not apply to complaints about Council services. These are covered by the Corporate Complaints Procedure which can be accessed via the following link:

<http://www.derby.gov.uk/NR/rdonlyres/29DF23FB-EDE9-4A8B-8051-0E7CF450B6E6/0/COMPSPRO06.pdf>

There are separate procedures for Education and Social Services complaints and for complaints about Derby Homes. Details of these can be obtained from the respective departments.

THE COMPLAINTS PROCEDURE

Using the Complaints Procedure

13. A flow chart outlining the Members’ Complaints Procedure has been included as Appendix 1 of this procedure.
14. A member of the public may contact the Council to make a complaint about what they consider to be a breach of the Members’ Code of Conduct by an elected member of the Council (the subject member).
15. Complaints must be submitted in writing, which includes fax and electronic submissions. This requirement must however be read in conjunction with the Disability Discrimination Act 2000 and the requirement to make reasonable adjustments.

16. The person receiving the complaint will on the same day inform the Monitoring Officer (MO) of the complaint. The MO will acknowledge the receipt of the complaint in writing **within three working days** and if necessary will ask the complainant for any additional information needed to clarify the complaint.
17. Having received the complaint the MO may at his/her discretion inform the subject member that a complaint has been made about them. The information about the complaint that can be provided to the subject member by the MO is limited, as only the SC has the power to give a written summary of the allegation to the subject member.

Informal resolution of a complaint

18. At this stage in the process the MO may at his/her discretion ask the complainant if there is any action that can be taken to informally resolve the matter or whether they wish their complaint to be considered by the SC.
19. If the complainant confirms that they would like their complaint to be resolved informally, the MO will contact the subject member and will ask them whether they are prepared to consider an informal resolution of the complaint. If the complainant and the subject member are both in agreement, the MO or his/her representative will then attempt to resolve the complaint informally

Assessment of the Complaint

20. The first formal stage of the Members' Complaints Procedure is the assessment of the complaint by the ASC of the SC.
21. If the complainant has confirmed that they wish their complaint to be considered by the SC, the MO will inform the members of the SC of the complaint and a meeting of the ASC will be arranged to consider the complaint. Wherever possible this meeting should take place within **15 working days** of the receipt of the complaint
22. At this stage the MO will usually prepare a short summary of the complaint for the ASC. Details of what might be included in this summary are set out in Appendix 2 of this procedure. Any pre-assessment enquiries should not amount to an investigation and should not extend to interviewing potential witnesses, the complainant or the subject member.
23. At its meeting the ASC will initially need to satisfy itself that the complaint meets the following initial test:
 - The complaint is against one or more named members of the Council

- The named member(s) was/were in office at the time of the alleged conduct and the Code of Conduct was also in force
- The complaint if upheld would be a breach of the Code of Conduct under which the member(s) was/were operating at the time of the alleged misconduct.

If the complaint fails one or more of these conditions it cannot be investigated as a breach of the Code and the complainant must be informed that no further action will be taken in respect of the complaint

24. In assessing complaints the objective should be to ensure fairness for both the complainant and the subject member. Complainants should be confident that their complaints will be taken seriously but the ASC should consider the cost of the investigation both in public money and in officer/member time. This is a particularly important consideration where the subject of the complaint is relatively minor.

25. If the complaint passes the initial test the ASC must assess it against the 'Criteria for new Complaints' set out in Appendix 3 and decide what if any action to take. In summary, the possible actions available to the ASC are:

- To resolve to take no action in respect of the complaint
- To refer the matter to the MO for 'other action' to be taken to resolve the complaint
- To refer the complaint for local investigation
- To refer the matter to the Standards Board for England

The process to be followed after each of these decisions is set out in the following paragraphs of this procedure.

26. After it has made its assessment the ASC does not have to give the subject member a summary of the complaint if it judges that doing so would be against the public interest or would prejudice any future investigation of the complaint.

Actions following an ASC decision to take no further action in response to a complaint

27. If the ASC decides to take no action about a complaint they must inform the complainant and the subject member accordingly within **five working days** of coming to that decision. Then the complainant has a right of review over a decision to take no further action. The complainant should make their request for a review of the ASC's decision to the SC and should state their reasons for requesting a review of the assessment.

28. The complainant's reasons for requesting a review might include:

- Not enough emphasis has been given to a particular aspect of the complaint
 - There has been a failure to follow any published criteria
 - There has been an error in procedures.
29. If the SC receives a request for a review they should notify the subject member that they have received the request
30. If a review is requested by the complainant then the RSC must carry out the review within **20 working days** of the request being made.
31. The review must be, and must be seen to be, independent of the original decision. Therefore members of the ASC who made the original decision must not take part in the review.
32. The RSC must use the same criteria used for the initial assessment and has the same decisions available to it as the ASC.
33. Having conducted the review the RSC should issue its decision notice within **five working days** of making the decision.
34. If the decision of the RSC is to take no further action, the decision notice should set out the reasons for this conclusion. If the decision of the RSC is to refer the matter for local investigation or for investigation by the SBE, or to take other action to resolve the complaint, the decision notice should not explain why the referral has been made as this might prejudice the investigation or other action.

Actions following an ASC decision to refer the matter to the MO for 'other action' to be taken to resolve the complaint

35. When the ASC considers a new complaint it can decide that instead of an investigation 'other action' can be taken to resolve the complaint. This may be done where the ASC concludes that it would not be in the interests of good governance to undertake or complete an investigation of the alleged misconduct and where other action might be the simplest and most cost effective way of resolving the matter. Some circumstances under which it might be appropriate to take 'other action' to resolve a complaint are listed in Appendix 4.
36. The 'other action' can be:
- arranging for the subject member to attend a training course
 - arranging for the subject member and the complainant to engage in a process of conciliation
 - such other steps as appear appropriate to the ASC.
37. If the ASC concludes that other action is an option, it must consult the MO before confirming its decision.

38. If the MO confirms that other action would be appropriate, he/she will arrange for it to be implemented.
39. Complaints that have been referred to the MO for other action should not be referred back to the SC if the other action is subsequently perceived to have been unsuccessful. The decision to take other action closes the opportunity to investigate and the ASC should communicate this clearly to all parties within **five working days** of the decision being taken.

Actions following an ASC decision to refer the complaint for local investigation

40. When the ASC considers a new complaint it can decide that it should be referred to the MO for investigation
41. The ASC must take advice from the MO in deciding whether it is against the public interest to inform the subject member of the details of the complaint made against them and whether by providing such information they would prejudice a person's ability to investigate the complaint.
42. The MO must carry out an assessment of the potential risks to the investigation. This is to determine whether the risk of the case being prejudiced by the subject member being informed of the details at that stage may outweigh the fairness of notifying the subject member of those details.
43. When a complaint is referred to the MO for local investigation, he/she must write to the complainant and, if the risk is considered acceptable, to the subject member, informing them of the decision and if appropriate advising them who will be responsible for conducting the investigation.
44. The investigation and the subsequent hearing of the complaint by the SC will follow the procedure set out in Appendix 5.
45. Following the hearing the MO will confirm the decision of the SC to all concerned within **five working days**.

Actions following an ASC decision to refer the complaint for investigation by the Standards Board for England

46. It is expected that in most cases the SC will deal with the investigation of complaints about members of the Council.
47. However there may be issues in a case, or public interest considerations, which make it difficult for the SC to deal with the case fairly and speedily. In such cases the ASC may wish to refer the complaint to SBE.

48. If the ASC believes that a complaint should be referred to the SBE it should take immediate steps to refer the matter. The ASC should inform the SBE of the aspects of the Code of Conduct that it considers to have been breached and give the reasons why it considers that the matter cannot be dealt with locally.
49. On receipt of a complaint from a local authority the SBE will take into account whether it will be in the public interest for them to accept the case and may:
- Accept the case for investigation by an Ethical Standards Officer
 - Decide to take no action
 - Refer the case back to the originating local authority for local investigation
50. The SBE will normally inform the MO within **ten working days** whether they will accept the case, or whether they will refer it back for local investigation. The MO will inform all parties of the SBE's decision within **five working days** of receipt of their letter. There is no mechanism for appeal against the SBE decision.
51. If the SBE refers the case back for local investigation paragraphs 40-43 of this procedure will apply.

Notification of Decisions

52. The MO will normally inform the complainant and the subject member of decisions of the SC, the ASC and the RSC within **5 working days** of the decision being made

Access to meetings and the provision of information

53. The initial assessment of a complaint by the ASC and any subsequent review by the RSC of a decision to take no further action in respect of a complaint must be conducted in a closed meeting and are not subject to the notice and publicity requirements of Part 5 of the Local Government Act 1972.
54. After the ASC or RSC has considered a complaint they must produce a summary which must include:
- The main points considered
 - The conclusions on the complaint
 - The reasons for the conclusion
- The summary must include the name of the subject member unless doing so it would not be in the public interest or would prejudice any subsequent investigation.
55. The written summary must be made available for the public to inspect at the Council's offices for six years.

56. In limited situations the SC can decide not to give the written summary to the subject member when a referral decision has been made. In such circumstances the Council must say when the information will be available and this will normally be when the written summary is given to the subject member during the investigation process.
57. The review of a decision to take no further action is not subject to access to information rules.

Withdrawal of Complaints

58. There may be occasions when a complainant asks to withdraw their complaint prior to the ASC having made a decision on it. If this occurs the ASC will need to decide whether to grant the request. In assessing the request it would be helpful to know:
- Whether the public interest in taking some action outweighs the complainant's desire to withdraw it
 - If action to deal with the complaint can be taken without the complainant's involvement
 - If there is an identifiable underlying reason for the request. For instance, has the complainant been pressured to withdraw their complaint?

Multiple Complaints

59. The SC may receive a number of different complaints about the same matter and should deal with these in a manner that makes the most practical use of time and resources.
60. If a number of reports are considered at the same meeting by the ASC, an officer should present one report and a recommendation that draws together all the relevant information and highlights any substantially different or contradictory information.
61. The ASC must however still reach a decision and follow the notification procedure for each individual complaint.

Vexatious Complaints

62. Even when restrictions are placed on an individual's contact with the authority they cannot be prevented from submitting a complaint.
63. The SC must consider every new complaint they receive in relation to the Code of Conduct.
64. However if the SC has already dealt with the same complaint and the MO does not believe that there is any new evidence, then the complaint does not need to be considered again.

65. Examples of what might be considered vexatious complaints are listed in Appendix 6.

Case management and recording

66. Records of all the complaints received and their outcomes will be recorded centrally and the information held for six years
67. Documents relating to cases that the ASC decided not to investigate will be held for a minimum of one year.

Confidentiality

68. As a matter of fairness and justice the subject member should normally be told who is complaining about them.
69. If the complainant asks for their identity to be withheld their request should only be granted in exceptional circumstances. Examples of these are listed in Appendix 7.
70. If the ASC decides to refuse a complainant's request for confidentiality it may offer the complainant the opportunity to withdraw his/her complaint.
71. In certain circumstances the public interest in proceeding with the investigation may outweigh the complainant's wish for confidentiality and in such circumstances the ASC will need to decide where the balance lies.

Anonymous complaints

72. Anonymous complaints must be considered on their individual merits by the ASC but should only be progressed if they include documentary or photographic evidence indicating an exceptionally serious or significant matter.

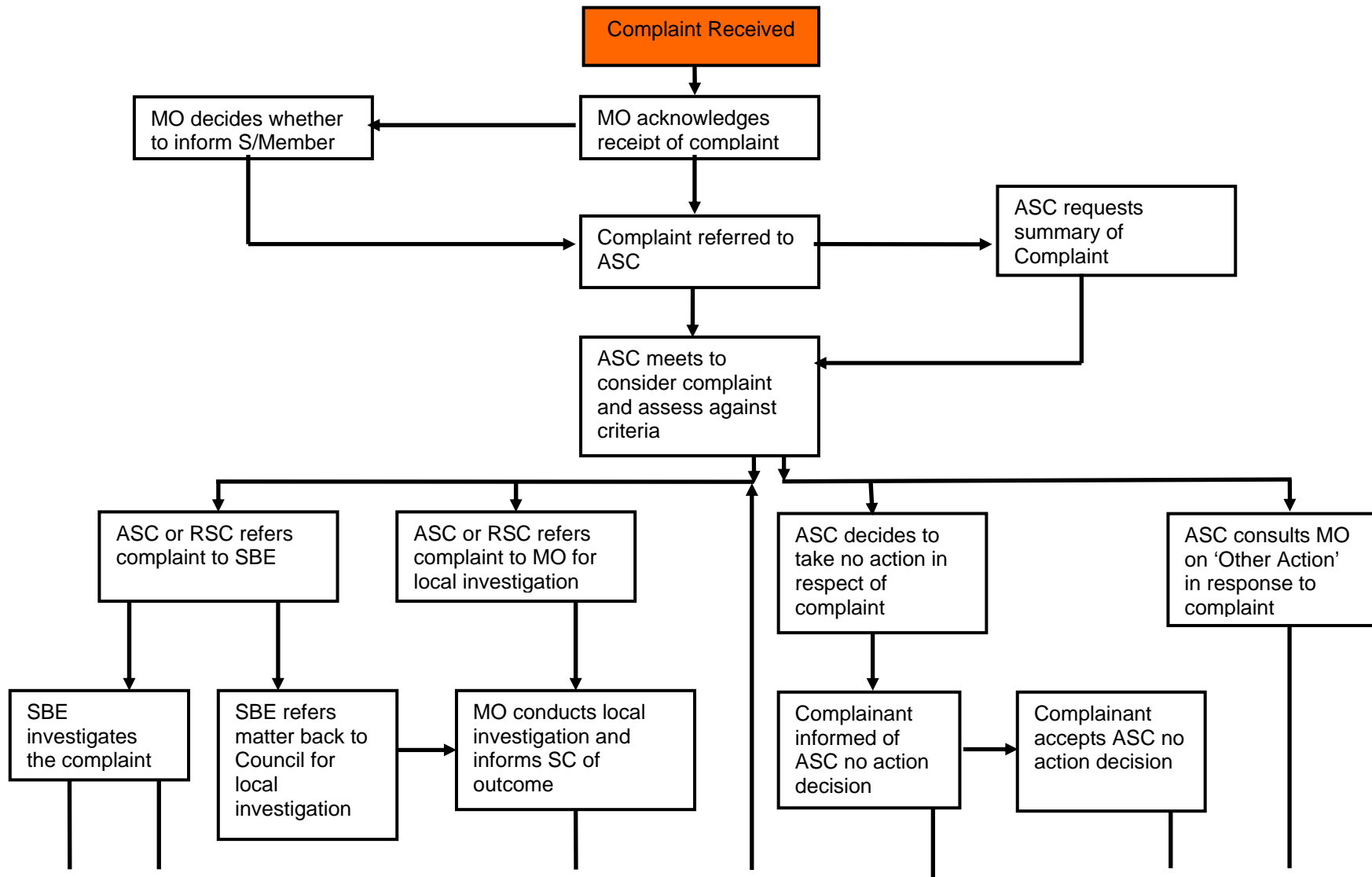
Conflicts of interest

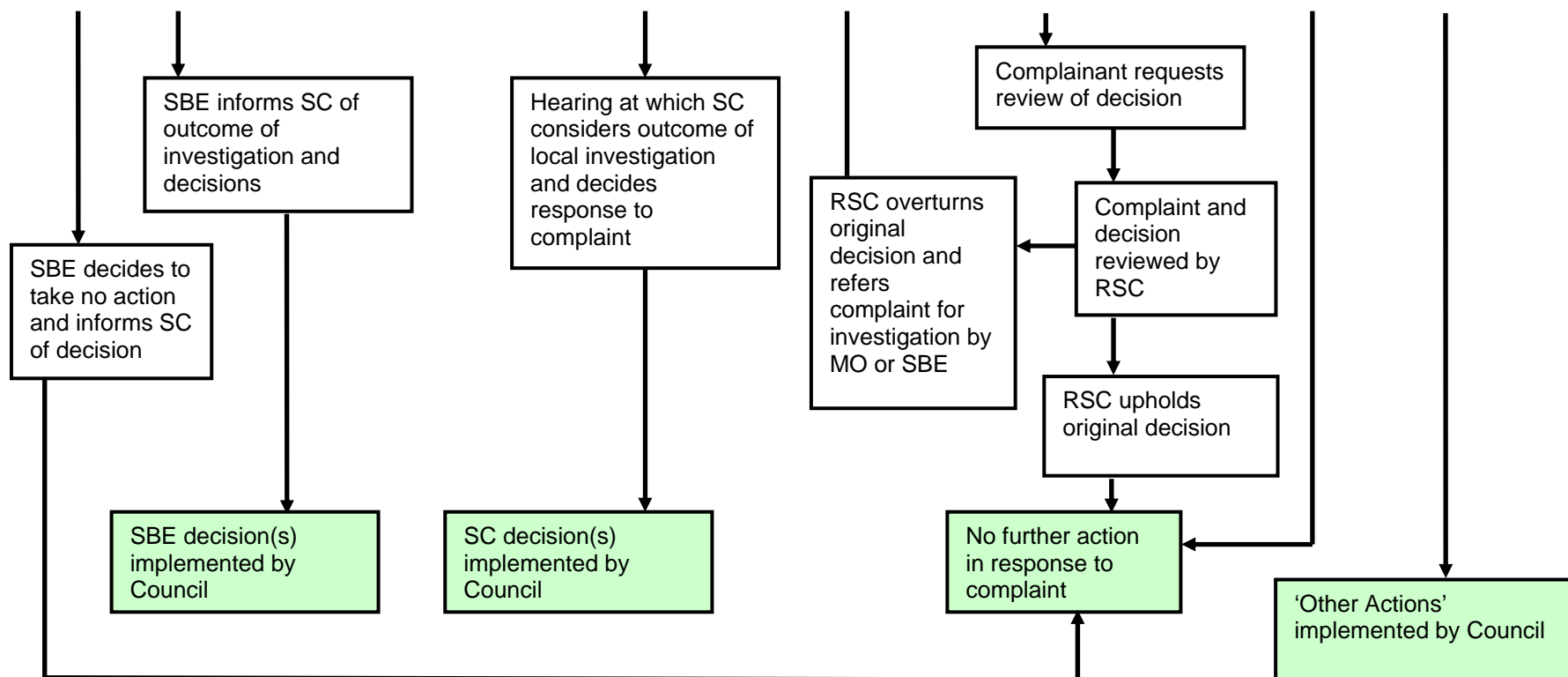
73. A member of the SC who was involved in any of the following decisions can be a member of the committee that hears and determines the complaint at the conclusion of the investigation.
- The initial assessment decision
 - A referral back for another assessment decision
 - A review of an assessment decision

This is because the assessment decision relates only to whether the complaint discloses something that needs to be investigated or referred for action.

74. A SC member who was involved in the assessment of a complaint cannot be involved in the review of the decision.
75. An officer who has previously advised the subject member or the complainant about the issues giving rise to the complaint should not take part in the assessment process and should not:
- Draft letters
 - Prepare reports
 - Contact complainants
 - Attend the final hearing of the complaint
76. An officer who has taken part in supporting the assessment or hearing process should not be involved in the investigation of the complaint
77. The MO should act as the main adviser to the SC unless he/she has an interest in the matter that would prevent them from performing the role independently
78. If the MO is unable to take part in the assessment process, that role should normally be taken by the Deputy MO but can be delegated to another appropriate officer of the Council
79. Members and officers should take care to avoid any personal conflicts of interest arising when participating in the consideration of a complaint.
80. Anyone with a prejudicial interest or who is involved with the complaint in any way should not take part in the assessment or review process.
81. The provisions of the Council in respect of personal and prejudicial interests apply to SC members in meetings and hearings
82. SC members should not discuss complaints with others who are not members of the SC.
83. Discussions between members should only take place at official meetings.

Appendix 1 Flow Chart of Members' Complaints Procedure





SC – Standards Committee
 ASC – Assessment Sub Committee
 RSC – Review Sub Committee
 SBE – Standards Board for England
 MO – Monitoring Officer
 S/member – subject member

Summary of the Complaint – Paragraph 22

In most cases, the SC will expect the MO to provide a summary of the complaint. The information contained in the summary might include

- Whether the complaint is within jurisdiction
- The paragraphs of the Code of Conduct the complaint might relate to, or the paragraphs the complainant has identified
- A summary of the key aspects of the complaint if it is lengthy or complex
- Any further information that the officer has obtained to assist the ASC with its decision. This might include:
 - Obtaining a copy of the subject member's 'acceptance of office form' and undertaking to observe the Code
 - Minutes of meetings
 - A copy of the subject member's entry in the Register of Interests
 - Information from Companies House or the Land Registry
 - Other easily obtainable and relevant documents

Officers may also contact the complainant for clarification if they are unable to understand the document submitted.

Pre-assessment enquiries should not be carried out in such a way as to amount to an investigation

Officers should not seek opinions on the allegation and should confine their enquiries to factual information.

Assessment Criteria for new Complaints – Paragraph 25

As part of the assessment process the ASC will assess all new complaints against the criteria below. This assessment is necessary in order to ensure fairness for both the complainant and the subject member, and to protect ASC members from accusations of bias.

The assessment criteria aim to reflect local circumstances and priorities and to be simple, clear and open. It is anticipated that the criteria will be adapted by the SC periodically to reflect experience and changing circumstances.

Before assessment of a complaint begins, the ASC should be satisfied that the complaint meets the following tests:

- a) It is a complaint against one or more named members of the authority or an authority covered by the SC
- b) The named member was in office at the time of the alleged conduct and the Code of Conduct was in force at the time
- c) The complaint, if proven, would be a breach of the Code under which the member was operating at the time of the alleged misconduct

If the complaint fails one or more of these tests, it cannot be investigated as a breach of the Code, and the complainant must be informed that no further action will be taken in respect of the complaint. If the complaint passes the above tests, the following criteria will be applied:

- 1. Has the complainant submitted enough information to satisfy the ASC that the complaint should be referred for investigation or other action?
- 2. Is the complaint about a serving member of the Council?
- 3. Has the complaint already been the subject of an investigation or other action relating to the Code of Conduct?
- 4. Has the complaint already been the subject of an investigation by other regulatory authorities?
- 5. Is the complaint about something that happened so long ago that there would now be little public benefit in taking any action?
- 6. Is the complaint too trivial to warrant further action?
- 7. Does the complaint appear to be simply malicious, politically motivated or tit-for-tat?

The taking of 'other action' to resolve a complaint – Paragraph 35

It may not always be in the public interest to undertake an investigation into an allegation of misconduct.

When the ASC considers a new complaint it can decide that action other than an investigation should be taken and it can refer this to the MO to be carried out. What the other action can entail is set out in paragraph 36.

The suitability of a complaint to be resolved by other action will depend on the circumstances but certain types of complaint may lead themselves to being resolved in this way.

It is not possible to set out all the circumstances where other action may offer an effective solution to a complaint but one example is where the subject member appears to have a poor understanding of the Code of Practice and of Council procedures. Other action may also be appropriate where a breakdown of relationships is apparent in the Council.

The ASC is encouraged to consider other action as a possible solution to complaints. However everyone involved must understand that the purpose of the action is not to determine whether there has been a breach of the Code and it should be emphasised by the ASC that no conclusion on this has been reached.

Complaints referred for other action cannot be referred back to the MO if the action is perceived to have failed. This is because the case may have been jeopardised if it has been discussed as part of a mediation process and because of the difficulty of defining failure under these circumstances.

If other action is agreed the SC may find it helpful to get the subject member and the complainant to agree in writing on:

- What is being proposed
- Why it is being proposed
- Why they must co-operate
- What it is hoped to achieve.



DERBY CITY COUNCIL

STANDARDS COMMITTEE HEARING PROCEDURE

Interpretation

- 1 'Member' means the member of the authority who is the subject of the allegation being considered by the Standards Committee, unless stated otherwise. It also includes the member's nominated representative.
- 2 'Investigator' means the person appointed by the Monitoring Officer to conduct a local investigation.
- 3 'Committee' also refers to 'a standards sub-committee'.
- 4 'Legal advisor' means the officer responsible for providing legal advice to the Standards Committee. This may be the Monitoring Officer, another legally qualified officer of the authority, or someone appointed for this purpose from outside the authority.

Representation

- 5 The member may be represented or accompanied during the meeting by a solicitor, counsel, or, with the permission of the committee, another person.

Legal advice

- 6 The committee may take legal advice from its legal advisor at any time during the hearing or while they are considering the outcome. The substance of an legal advice given to the committee should be shared with the member and the investigator if they are present.

Setting the scene

- 7 After all the members and everyone involved have been formally introduced, the Chair should explain how the committee is going to run the hearing.

Preliminary procedural issues

- 8 The committee should then resolve any issues or disagreements about how the hearing should continue, which have not been resolved during the pre-hearing process.

Making findings of fact

- 9 After dealing with any preliminary issues, the committee should then

move on to consider whether or not there are any significant disagreements about the facts contained in the investigator's report.

- 10 If there is no disagreement about the facts, the committee can move on to the next stage of the hearing.
- 11 If there is a disagreement, the investigator, if present, should be invited to make any necessary representations to support the relevant findings of fact in the report. With the committee's permission, the investigator may call any necessary supporting witnesses to give evidence. The committee may give the member an opportunity to challenge any evidence put forward by any witness called by the investigator.
- 12 The member should then have the opportunity to make representations to support his or her version of the facts and, with the committee's permission, to call any necessary witnesses to give evidence.
- 13 At any time, the committee may question any of the people involved or any of the witnesses, and may allow the investigator to challenge any evidence put forward by witnesses called by the member.
- 14 If the member disagrees with most of the facts, it may make sense for the investigator to start by making representations on all the relevant facts, instead of discussing each fact individually.
- 15 If the member disagrees with any relevant fact in the investigator's report, without having given prior notice of the disagreement, he or she must give good reasons for not mentioning it before the hearing. If the investigator is not present, the committee will consider whether or not it would be in the public interest to continue in his or her absence. After considering the member's explanation for not raising the issue at an earlier stage, the committee may then:
 - a continue with hearing, relying on the information in the investigator's report;
 - b allow the member to make representations about the issue, and invite the investigator to respond and call any witnesses, as necessary; or
 - c postpone the hearing or arrange for appropriate witnesses to be present, or for the investigator to be present if he or she is not already.
- 16 The committee will usually move to another room to consider the representations and evidence in private.
- 17 On their return, the Chair will announce the committee's findings of fact.

Did the member fail to follow the Code?

- 18 The committee then needs to consider whether or not, based on the facts it has found, the member has failed to follow the Code of Conduct.
- 19 The member should be invited to give relevant reasons why the committee should not decide that he or she has failed to follow the Code.
- 20 The committee should then consider any oral or written representations from the investigator.
- 21 The committee may, at any time, question anyone involved on any point they raise in their representations.
- 22 The member should be invited to make any final relevant points.
- 23 The committee will then move to another room to consider the representations.
- 24 On their return, the Chair will announce the committee's decision as to whether or not the member has failed to follow the Code of Conduct.

If the member has not failed to follow the Code of Conduct

- 25 If the committee decides that the member has not failed to follow the Code of Conduct, the committee can move on to consider whether it should make any recommendations to the authority.

If the member has failed to follow the Code of Conduct

- 26 If the committee decides that the member has failed to follow the Code of Conduct, it will consider any oral or written representations from the investigator and the member as to:
 - a whether or not the committee should set a penalty; and
 - b what form that penalty should take.
- 27 The committee may question the investigator and member, and take legal advice, to make sure they have the information they need in order to make an informed decision.
- 28 The committee will then move to another room to consider whether or not to impose a penalty on the member and, if so, what the penalty should be.
- 29 On their return, the Chair will announce the committee's decision.

Recommendations to the authority

- 30 After considering any oral or written representations from the investigator, the committee will consider whether or not it should make any recommendations to the authority, with a view to promoting high standards of conduct among members.

The written decision

- 31 The committee will announce its decision on the day and provide a short written decision on that day. It will also need to issue a full written decision shortly after the end of the hearing: it being good practice to prepare the full written decision in draft on the day of the hearing.

Appendix 6 – Vexatious Complaints

Vexatious complaints can be identified from the following patterns of behaviour:

- Repeated complaints making the same or broadly similar complaints against the same member or members about the same alleged incident
- Use of aggressive or repetitive language of an obsessive nature
- Repeated complaints that disclose no potential breach of the Code
- Where it seems clear there is an ulterior motive for a complaint or complaints
- Where the complainant refuses to let the matter rest once the complaints process (including the review stage) has been exhausted

- **Appendix 7 – Confidentiality**

As a matter of fairness and natural justice the subject member should normally be told who is complaining about them. However there may be circumstances where the complainant asks for their identity to be withheld. Such requests should only be granted in exceptional circumstances and the Standards Committee should develop criteria which can be used when considering these requests.

The following criteria were proposed at the time of writing of this procedure but they may in future and with the approval of the Standards Committee be changed to reflect changed circumstances.

- The complainant has reasonable grounds to believe that they will be at risk of physical harm if their identity is disclosed
- 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
- The complainant suffers from a serious health condition and there are medical reasons associated with their identity being disclosed. In such cases the Standards Committee may wish to request medical evidence of the complainant's condition.