

Report of:	Director of Legal And Governance Services – Charlotte Benjamin Executive Member for Legal And Governance Services – Councillor Barrie Cooper
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Submitted to:	Standard’s Committee Meeting of 24 th January 2022
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Subject:	Code of Conduct Complaints Update
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Summary

Proposed decision(s)
That Standards Committee notes the content of this report.

Report for:	Key decision:	Confidential:	Is the report urgent? ¹
Information	No	No	N/A

Contribution to delivery of the 2021-24 Strategic Plan		
People	Place	Business
N/A	N/A	Upholding standards of conduct amongst members contributes to enhancing the reputation of Middlesbrough

Ward(s) affected
Not Applicable

What is the purpose of this report?

To provide a quarterly update to the Standards Committee in regards to the recent and current position concerning Code of Conduct Complaints so that the committee has assurance about the practice and process.

Why does this report require a Member decision?

No decision required – Report for update only.

Report Background

1. This report is provided to committee members to give an overview of the current, and recent position in regards to the Code of Conduct complaints received.

Year (Jan-Dec)	Total complaints	Member on Member	Other on Member (ie member of public, officer)	No. withdrawn/ not progressed by complainant	No. rejected	No. resolved informally	No. to investigation	No. to standards Committee after investigation
2019	27	9	18	4	9	10	4	3
2020	31	4	27	16	12	1	1	0
2021	35	13	22	4	2	17	2	0
2022 (to date)	1	1	0					

2. There is 1 complaint from 2020, and 10 complaints from 2021 at various stages of the process which have not yet concluded. We are unable to give any specifics about those complaints at this time so as not to prejudice any outcomes, and/or create a conflict should any of those complaints need to come to Standards Committee at a future date.
3. The complaint from 2022 is still at the early stages and is therefore still ongoing.
4. The previous report of October 2021 highlighted that there was an ongoing theme around comments made on social media by members, and that there had been an increase in member on member complaints.
5. In respect of any complaint received, where appropriate we do make every effort to resolve the matter informally, be liaising with the individuals concerned, and where it is member on member, involving the group leader.
6. The benefits of informal resolution are numerous and include:
 - a. Often a quicker resolution
 - b. Less disruptive to working relationships- particularly for member on member complaints
 - c. Involves fewer people
 - d. Take up less resources
7. However, there are circumstances when the matter needs to be investigated. If the Monitoring Officer, in consultation with the Independent Person, decides that the complaint should be investigated, an Internal Investigating Officer will be appointed to undertake the investigation. In exceptional cases, the Monitoring Officer may decide to appoint an external Investigating Officer.
8. The cost spent in 2021 on external advice and investigation in regards to these complaints was £41,465.
9. The internal resource to deal with the complaints is provided by the legal services team, primarily the Monitoring Officer and two Deputy Monitoring Officers. Senior officers may also be tasked to complete an investigation further to point 7 above.

10. Any significant increase in complaints will of course mean that legal resource is diverted away from other areas.
11. In order to be able to improve the monitoring of the performance in regards to the complaints, and better analyse outcomes etc a performance tool in the form of a 'dashboard' is being developed and is at the final stages, with the draft version currently being tested. The performance dashboard which will enable analysis of patterns and outcomes concerning complaints. This can be demonstrated to members in due course.
12. In line with the recently approved amended code of conduct, the process of dealing with any complaints is also being reviewed. A separate report will be shared with this committee shortly, including an update in regards to the recommended timescales for dealing with such complaints.

What decision(s) are being asked for?

None – no decision is required. Report for update only.

Why is this being recommended?

Report is for update only.

Other potential decisions and why these have not been recommended

None – no decision is required. Report for update only.

Impact(s) of recommended decision(s)

None – no decision is required. Report for update only.

Legal

There is no legal impact as a decision is not required.

Financial

There is no financial impact as a decision is not required.

Policy Framework

N/A

Equality and Diversity

There are no issues of equality and diversity as a decision is not required.

Risk

N/A

Actions to be taken to implement the decision(s)

None – for information only.

Appendices

None.

Background papers

No background papers were used in the preparation of this report.

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