

# COMPLAINTS AGAINST COUNCILLORS PROCESS

	Stage 1 (5 Days) Initial Assessment	Stage 2 - Preliminary Enquiries	Investigation	Hearing Panel
Level One Complaint	<p>DAY ONE: Complaint received by Monitoring Officer (MO)</p> <p>Complaint acknowledged within 3 DAYS, confirming the Officer dealing with it, the reference number and an explanation of the process</p> <p>MO will advise the Complainant if the complaint falls within the scope of the Standards Committee process within 5 DAYS.</p>	<p>MO categorises the complaint: at what level; is there evidence of a material breach of the Code?</p> <p><b>Category One: Minor breaches</b> will be determined by MO with no or very limited further inquiry, and the complainant will be advised within 20 WORKING DAYS after receipt of the complaint, or as soon as possible thereafter.</p>		
Informal Resolution		<p><b>Category 2.</b> For minor breaches, is an <b>Informal resolution</b>, such as training, possible with no formal investigation?</p> <p>MO considers appropriate action and will consult with the Complainant and Councillor before deciding to proceed.</p>		
Level Two Complaint	<p><b>DEFINITIONS:</b></p> <p>MO = Monitoring Officer      IP = Independent Person  Days = Working Days  Hearing Panel = a sub group of the Standards Committee, comprising the Chair or Vice Chair and two nominated members</p> <p><b>NB:</b> The MO has sole discretion to extend timescales where it is deemed to be in the public interest</p> <p>Please refer to the document 'How to make a Complaint about the behaviour of a local authority councillor in Somerset' for further details of the process</p>	<p><b>Category 3. Refer for formal investigation</b></p> <p>Councillor will be informed at this stage, and invited to comment within 10 days</p> <p>If the assessment indicates a potential breach the Complainant is advised of the proposed course of action, within 20 WORKING DAYS after receipt of the complaint or additional information.</p>	<p>MO will propose a timescale for the investigation and communicate with all interested parties. MO will consult with the Independent Person (IP), council clerks or other relevant persons.</p> <p>Post investigation, MO distributes draft outcomes report to the Councillor and Complainant for comments. MO then issues final report to Complainant, Councillor, Standards Committee, IP, and Clerk to Parish/Town Council.</p> <p>– If no breach is found, the case is closed in consultation with the IP.</p>	<p>If a Breach is established and a local solution cannot be found or agreed by all parties the case is referred to the Hearings Panel.</p> <p>Where upheld the Panel can impose, or report to the Council or Parish Council with a recommendation for sanctions.</p> <p>Publication of the decision and outcomes will be in accordance with the media protocol.</p> <p>There is no right of appeal on the decision. However complaints about procedure can be made to the Local Gov Ombudsman, or pursued through the Courts.</p>