

KENT POLICE AUTHORITY

29 OCTOBER 2008

COMPLAINTS AGAINST MEMBERS – PROCEDURES AND DOCUMENTATION

Report by: Chief Executive
Classification: Unrestricted

Summary: Requests the Authority to agree the processes and documentation to enable it to fulfil its new role of assessing, reviewing and determining complaints alleging breaches of the Authority's Code of Conduct for Members. The proposals were agreed by the Authority's Standards Committee on 25 September 2008.

BACKGROUND

1. Now that the Standards Committee has responsibility for assessing, reviewing and determining complaints alleging breaches of the Authority's Code of Conduct for Members, the Authority needs to agree the procedures and documentation to be adopted for dealing with any such complaints.
2. The recommendations in this report comply with the Standards Board (England) Regulations 2008 and reflect the latest guidance issued by the Standards Board for England (SBfE)

Publicity

3. The Authority is required by the Regulations to publish "in such manner as it considers appropriate" a notice detailing where Code of Conduct complaints should be sent. It is proposed that the Notice shown at **Appendix 1** should be published on the Authority's website. A suitably amended version of this notice will be sent to Kent County Council and Medway Council for display on their public notice boards.

Complaints Form

4. The public notices refer to a complaints form which members of the public are able to complete and submit by post, fax or online. Indeed the website notice will contain an electronic link to the form. The form, which is in the format recommended by the SbfE is attached at **Appendix 2** for the Authority's endorsement.

Complaints Procedure Document

5. A draft detailed Complaints Procedure, including criteria for the Monitoring Officer and/or assessment committee to use when assessing complaints, is attached at **Appendix 3** for consideration by the Authority. Once the Authority has agreed the wording of this document it will be published on the Authority's website and paper copies made available to members of the public on request.

Arrangements for Assessing and Reviewing Complaints

6. The 2008 Regulations require any assessment sub-committee or review sub-committee established by the Standards Committee to consider a complaint against a Member to comprise at least three Members of the Committee, including at least one Independent Member of the Standards Committee and one Member of the Authority. Assessment and review sub-committees must always be chaired by an independent Member. For any individual complaint, the membership of the assessment sub-committee and the review sub-committee must be completely different. Members will note that the Authority is being recommended that an additional independent Member should be appointed to the Standards Committee temporarily if it is necessary to convene a review sub-committee. This additional independent Member will be drawn from the independent members of the Standards Committee of Kent County Council, Medway Council or Kent Medway Fire & Rescue Authority.
7. The Authority is asked to agreed that:-
 - i) Whenever any formal allegation that a Member of the Authority has breached the Authority's Code of Conduct is received, an assessment sub-committee comprising three Members of the Committee (including at least one Independent Member and one Member of the Authority) be convened by the Chief Executive.
 - ii) Whenever a complainant requests a review of any decision by an assessment sub-committee to take no action on an allegation against a Member, a review sub-committee comprising three Members of the Committee (including one independent Member and one Member of the Authority) who did not serve on the assessment sub-committee for the same allegation, be convened by the Chief Executive.
8. The proposals in this report enable the Authority to comply with the requirement of the Standards Board (England) Regulations 2008 and have no significant budgetary impact. The SBfE proposals have been subject to an equality impact assessment and support and uphold the Nolan principles for standards in public office.

RECOMMENDATIONS

9. Members are requested to:
- 9.1 Note the wording of the "How to Complain" notice to be published on the Authority's website and Kent County Council's and Medway Council's public notice boards (para 3 **Appendix 1** refer);
- 9.2 Endorse the wording of the complaints form on which members of the public can submit complaints that a Member has breached the Authority's Code of Conduct for Members (para 4 **Appendix 2** refer);
- 9.3 Consider and approve the wording of the draft detailed Complaints Procedure for complaints against Members (para 5 **Appendix 3** refer);
- 9.4 Agree the composition of the assessment and review sub-committees for considering an allegation that a Member has breached the Code of Conduct, and the arrangements for convening such sub-committees as and when necessary (paras 6 and 7 refer).

Background Documents: None

Policing Plan and performance	None
Budget (revenue and capital)	None
Diversity and fairness: <ul style="list-style-type: none"> • Minority ethnic • Gender • Age • Religion / belief • Sexual orientation • Disability 	See Page 8 Equality Impact Assessment
Children's Duty (Every Child Matters) implications	None
Risk:	None
Background documents:	None
Summary or reference to relevant legislative provisions	See paras 2 & 3
Summary of relevant consultation findings	
Impact on or links to collaboration	