

## PROCEDURE ON RECEIPT OF A COMPLAINT

- 1.1 The complaint will be assessed by the Monitoring Officer in consultation with the Independent Person against the legal jurisdiction test in paragraph 1.2 and, if applicable, the local assessment criteria test in paragraph 1.4 below.
- 1.2 Legal jurisdiction criteria test:
- (a) Did the alleged conduct occur before the adoption of the latest Code of Conduct<sup>1</sup>?
  - (b) Was the person complained of a member of the City or Parish Council at the time of the alleged conduct?
  - (c) Was the person complained of acting in an official capacity at the time of the alleged conduct?
  - (d) Did the alleged conduct occur when the person complained of was acting as a member of another authority?
  - (e) If the facts could be established as a matter of evidence, could the alleged conduct be capable of a breach of the Code of Conduct?
  - (f) The complaint is about dissatisfaction with the City or Parish Council's decisions, policies and priorities, etc.
  - (g) Are they still a member of the City or Parish Council at the time of assessment?
- 1.3 If the complaint fails one or more of the jurisdiction tests, no further action will be taken by the Monitoring Officer and the complaint will be rejected. The Complainant will be notified accordingly with reasons, within 20 working days of receipt of the complaint by the Monitoring Officer. There is no right of appeal against the Monitoring Officer's decision.
- 1.4 At the discretion of the Monitoring Officer the Independent Person may be consulted prior to the rejection of a complaint.
- 1.5 Local assessment criteria test:

If the complaint satisfies the jurisdiction test, the Monitoring Officer will then apply the following local assessment criteria test:

- a) The complaint is a 'repeat complaint', unless supported by new or further evidence substantiating or indicating that the complaint is exceptionally serious or significant;
- b) The complaint is anonymous, unless supported by independent

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<sup>1</sup> The Code was effective from 1 July 2012 latest amendment xxxxxx

documentary evidence substantiating or indicating that the complaint is exceptionally serious or significant;

- c) No or insufficient information/evidence to substantiate the complaint has been submitted by the Complainant;
- d) The complaint is malicious, trivial, politically motivated or 'tit-for-tat';
- e) The Complainant is unreasonably persistent, malicious and/or vexatious;
- f) The alleged misconduct happened more than 3 months ago;
- g) The complaint is relatively minor and dealing with the complaint would have a disproportionate effect on both public money and officers' and Members' time;
- h) The circumstances have changed so much that there would be little benefit arising from an investigation or other action;
- i) The complaint has been the subject of an investigation or other action and there is nothing more to be gained by further action being taken;
  - (a) The complaint is such that it is unlikely that an investigation will be able to come to a firm conclusion on the matter, e.g. where there is no firm evidence on the matter;
  - (b) The complaint is about a deceased person;
  - (c) The complaint is about a person who is no longer a City or Parish Councillor or Co-opted Member.

1.6 If one or more of the local assessment criteria applies to the complaint, no further action will be taken by the Monitoring Officer and the complaint will be rejected. The Complainant will be notified accordingly with reasons, within 20 working days of receipt of the complaint by the Monitoring Officer. There is no right of appeal against the Monitoring Officer's decision.