

## PART 5.1.2 ANNEX 3

### COMPLAINTS ASSESSMENT CRITERIA

### **Complaints will not normally be referred for investigation where-**

1. The complaint is not considered sufficiently serious to warrant investigation; or not in the public interest to do so.
2. The complaint appears to be simply motivated by malice or is “tit-for-tat”; or
3. The complaint appears to be politically motivated; or
4. It appears that there can be no breach of the Code of Conduct for example-
  - 4.1 It relates to the Councillor’s private life or is about dissatisfaction with a Council decision; or
  - 4.2 It is about someone who is no longer a Councillor; or
  - 4.3 There is insufficient information/evidence available for a referral; or
  - 4.4 It relates to a Councillor not replying to correspondence.
5. It is a complaint about matters not covered by the Code such as an alleged breach about the requirements surrounding disclosable pecuniary interests; or
6. The complaint has not been received within 3 months of the alleged misconduct unless there are exceptional circumstances such as an allegation of bullying or harassment; or
7. The matter occurred so long ago that it would be difficult for a fair investigation to be carried out; or
8. The same, or similar, complaint has already been investigated and there is nothing further to be gained by seeking the sanctions available to the Governance Committee; or
9. It is an anonymous complaint, unless it includes sufficient documentary evidence to show a significant breach of the Code of Conduct; or
10. Where the Councillor complained of has apologised and/or admitted to making an error and the matter would not warrant a more serious sanction.

**A Complaint may be referred for investigation or to the Governance Committee where-**

1. It is serious enough, if proven, to justify the range of actions available to the Governance Committee; or
2. There are individual acts of minor misconduct which appear to be a part of a continuing pattern of behaviour that is unreasonably disrupting the business of the Council and there is no other avenue left to deal with it other than by way of an investigation; or
3. It would be difficult or inappropriate for the Monitoring Officer to investigate the complaint for example-
  - 3.1 The complaint comes from a senior officer of the Council, such as the Chief Executive or the Monitoring Officer; or
  - 3.2 The complaint is about a high profile Member such as the Leader of the Council; or
4. Such other complaints as the Monitoring Officer considers it would not be appropriate for him/her to investigate.

**Whilst complainants must be confident that complaints are taken seriously and dealt with appropriately, deciding to investigate a complaint or to take further action will cost both public money and officers' and members' time. This is an important consideration where the complaint is relatively minor.**