



City of Westminster

Standards Committee

Date: 13 July 2010

Classification: For General Release

Title: Review of Timeframe within the Local Complaints Protocol

Report of: Head of Legal Services

Wards Involved: All

Financial Summary: There are no financial implications

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1. Executive Summary

- 1.1 This report reviews the timeframes within the Local Procedure Protocol with a view to minimising the time taken when dealing with complaints against members as requested at the last meeting.

2. Recommendations

- 2.1 That the Standards Committee approve the amendments to the Local Procedures Protocol - attached at Appendix 1.
- 2.2 That in approving the reduced timescales the Committee agree that these are targets which everyone will work to but that there may be times when these cannot be achieved.

3. Background

- 3.1 At its meeting on 17th March 2010, the Standards Committee considered the report entitled "Review of complaints process and approval of updated Local Complaints Protocol and Assessment Criteria". The Committee requested that officers review the Protocol with a view to reducing the overall time taken for complaints against members so that the uncertainty and related stress involved for all concerned be reduced.

4. Timescales

4.1 The draft amended Local Complaints Procedure is attached at Appendix 1. For ease of reference the amendments relating to timescales have been tracked. The changes are:

- Paragraph 4.1: The Assessment Sub-Committee will be required to meet within 14 days of the Monitoring Officer receiving the complaint. This will require a commitment from Committee Members to be available to attend assessment meetings at short-notice.

The guidance states that “the assessment sub-committee should complete its initial assessment of an allegation within an average of 20 working days, to reach a decision on what should happen with the complaint”. As this has been reduced from 20 working days to only 14 days, it is potentially saving 14 days.

- Paragraph 4.3.2: As above, the time scale has reduced from 20 working days to 14 days.
- Paragraph 4.6.2: The 30 days to seek a review of the decision is statutory.
- Paragraph 5.3 The time within which the Review Sub-Committee must meet to consider a review has been reduced to 14 days from the date of receipt of the request for a review.

As above, as this has now been reduced to 14 days and accordingly is potentially saving 14 days.

- Paragraph 6.2: The time for the Complainant to provide any additional detail to the Investigating Officer has been reduced from 14 to 10 days.
- Paragraph 6.3: The time for Members to provide an initial response to the Complaint has been reduced from 14 to 10 days.

The two changes above will reduce the process by 4 days.

- Paragraph 8.3: It is not proposed to change this timescale as this is provided by the guidance. It is important that Members are confident that the process is fair, accordingly it would be undesirable to reduce the Members' time to which they have to respond to the draft report.
- Paragraph 8.5 This has been reduced to 2 months from 3 months (as set in the guidance). It is not possible to reduce this any further since the required steps between the completion of the Investigating Officers report and the Hearing are:

- 10 days to convene the consideration meeting,
- then few working days to prepare the pre-hearing process,
- 10 days for the member to respond as part of the pre-hearing process,
- then few working days for MO to prepare pre-hearing process summary
- circulated pre-hearing process summary at least 14 days before hearing

This change will speed the process up by a further month.

- Paragraph 10.1: Inserts a requirement that the Sub-Committee meet within 10 days to consider the Investigating Officer's report. As above, this requires a commitment from members to be available at short notice.
- Paragraph 11.3: Requires members to respond to the Clerk of the Standards Committee, as part of the pre-hearing process, within 10 days.

5 Reasons for decisions

- 5.1 Accordingly having reconsidered the timescales within the Local Procedure Protocol, the process in relation to a complaint against a member which is to be heard by the Hearing Sub-Committee could be reduced by approximately 6-7 weeks. It is however noteworthy that this can only be achieved by members of the Committee being available, if necessary, to attend a meeting at fairly short notice. It is necessary to add that the timescales given are targets to which every endeavour will be made to meet. They are less in most cases than the guidance gives and in some cases, due to unforeseen circumstances it may not be possible to achieve these.

If you would like to inspect one of the background papers or speak to someone about this report please contact Rhian Davies – 020 7641 2729; email: rdavies@westminster.gov.uk

Background Documents

- Standards for England Guidance: The local standards framework