

**PROTOCOL FOR HANDLING COMPLAINTS
MADE AGAINST MEMBERS
OF THE
LONDON BOROUGH OF HILLINGDON**

1. INTRODUCTION

- 1.1 As part of the provisions of the Localism Act 2011, the London Borough of Hillingdon ('the Council') formally adopted a Revised Code of Conduct for Members (the Code). at a meeting of full Council held on 5 July 2012 of which this Protocol forms a part.
- 1.2 All Council Members have undertaken in writing to observe the Code and also, upon election to the Council, new Members attend training provided by the Borough Solicitor and Monitoring Officer and the Head of Democratic Services and Deputy Monitoring Officer in relation to the Code.
- 1.3 As part of the adoption of the Code the Council has approved this Protocol ('the Whips' Protocol') for the initial handling of complaints:
 - a) by Members against fellow Members and
 - b) by members of the public (including officers) against Members
- 1.4 It should be emphasised that the purpose of this Protocol is not to take away the right of a Member or a member of the public to complain to the Monitoring Officer; instead, its purpose is to set out for those individuals who are thinking of making a complaint against a Member, a number of informal steps which they should follow before escalating their complaint to the Monitoring Officer.
- 1.5 The standard form used to make a complaint to the Monitoring Officer includes a section which those persons who wish to make a complaint will be required to complete in order to demonstrate that they have exhausted the informal process first.

2. THE TERMS OF THE PROTOCOL

The First Stage - Informal referral to the Chief Whip

- 2.1 **Complaints from Members:** Any complaint from a Member about the conduct of another Member (the 'Subject Member'), should be taken up in the first instance with the Chief Whip of the Group to whom the Subject Member belongs. The relevant Chief Whip, in conjunction with the Leader of the Group, will be responsible for asking for details about the complaint and will carry out a preliminary investigation to determine if the complaint is valid. The Chief Whip, in conjunction with the Leader of the Group, will explore every possibility, which can include liaison with the Chief Whip of the complainant Member's Group, of finding a mutually acceptable resolution of the complaint if he / she determines that it is valid.

- 2.2 **Complaints from the public (including officers):** A member of the public wishing to make a complaint about an elected Member will be advised that, in the first instance, their complaint should be taken up with the Chief Whip of the Subject Member's Group. The relevant Chief Whip, in conjunction with the Leader of the Group, will be responsible for asking for details about the complaint and will carry out a preliminary investigation with the agreement of the complainant, investigation to determine if the complaint is valid. The Chief Whip, in conjunction with the Leader of the Group, will explore every possibility, which can include liaison with the Chief Whip of the complainant Member's Group, of finding a mutually acceptable resolution of the complaint if he / she determines that it is valid.

The Second Stage

- 2.3 **Complaints from Members:** In the event that an acceptable resolution of the complaint cannot be found, the aggrieved Member should seek appropriate advice from the Monitoring Officer or Deputy Monitoring Officer as to whether the conduct in question is capable of amounting to a breach of the Code. They should be prepared to provide any necessary evidence in support of their complaint. At this stage, the Monitoring Officer or Deputy Monitoring Officer can ask the Chief Whip who carried out the preliminary investigation for copies of any relevant information which he/she has obtained in order to assist them.
- 2.4 **It is not the role of either the Monitoring Officer or Deputy Monitoring Officer to advise at this stage whether the Code has actually been breached** as this is ultimately a function which falls within the sole remit of the Standards Committee.
- 2.5 However, if having reviewed the evidence, the Monitoring Officer or Deputy Monitoring Officer take the view that there is a prima facie breach of the Code, they should advise the respective Chief Whips, the aggrieved Member and the Subject Member accordingly. In these circumstances, the aggrieved Member should either directly, or through his/her Chief Whip, contact the Subject Member and seek an appropriate and immediate remedy.
- 2.6 In order to maintain the integrity of this Protocol at all times, it is imperative that all Members observe the principle that they should not approach the Monitoring Officer or the Deputy Monitoring Officer in relation to matters which have no substance and which could be construed as being vexatious, tit for tat, politically motivated or frivolous.
- 2.7 **Complaints from the public (including officers):** In the event that an acceptable resolution of the complaint cannot be found, the complainant will be informed that he or she can seek appropriate advice from the Monitoring Officer or Deputy Monitoring Officer as to whether the conduct in question is capable of amounting to a breach of the Code. They should be prepared to provide any necessary evidence in support of their complaint. At this stage, the Monitoring Officer or Deputy Monitoring Officer can ask the Chief Whip who carried out the preliminary investigation for copies of any relevant information which he/she has obtained in order to assist them.

- 2.8 As in 2.4 above, **it is not the role of either the Monitoring Officer or Deputy Monitoring Officer to advise at this stage whether the Code has actually been breached** as this is ultimately a function which falls within the sole remit of the Standards Committee.
- 2.9 However, if having reviewed the evidence, the Monitoring Officer or Deputy Monitoring Officer take the view that there is a prima facie breach of the Code, they should advise the relevant Chief Whip, the complainant and the Subject Member accordingly. In these circumstances, the complainant should, through the relevant Chief Whip, contact the Subject Member and seek an appropriate and immediate remedy.

The Third Stage

- 2.10 **Complaints from Members:** Should the matter not be resolved at Stage Two, the Monitoring Officer or Deputy Monitoring Officer will approach the respective Chief Whips, the aggrieved Member and the Subject Member to explore whether the Members are prepared to take part in a mediation/conciliation process which will be facilitated by a suitably qualified independent person. The purpose of this process will be to try to agree a mutually acceptable resolution of the complaint.
- 2.11 **Complaints from the public (including staff):** Should the matter not be resolved at Stage Two, the same process as detailed in 2.10, will be followed.

3. SANCTIONS AND FURTHER ACTION

- 3.1 The process of referring complaints to the Group Whips cannot result in the imposition of any formal sanctions on a Subject Member. Any such sanctions can only be imposed as a result of a meeting of the Standards Committee at the conclusion of a formal investigation into a complaint by the Monitoring Officer.
- 3.2 Should the process detailed above not result in the resolution of the complaint, then the complaint may be referred to the Monitoring Officer for consideration as part of the Council's formal Members' Code of Conduct complaints process.
- 3.3 In such cases the aggrieved Member / complainant will be required to include a statement to the Standards Committee as to why they have chosen to escalate the complaint to the formal stage and why the outcome of the process described above did not resolve it.
- 3.4 Should a complaint be resolved as a result of this Protocol process it shall not be open to the aggrieved Member / complainant submitting the original complaint to further submit the same complaint against the same Member to the Monitoring Officer at a later date.