



**OXFORDSHIRE
COUNTY COUNCIL**

Arrangements for Dealing with Complaints Against Members

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1. The Code of Conduct

- 1.1 The Localism Act 2011 requires all local authorities to adopt a code of conduct setting out the standards of behaviour expected from its councillors.
- 1.2 The Council has adopted a [Members' Code of Conduct \(oxfordshire.gov.uk\)](http://oxfordshire.gov.uk), which can be found at Part 9 of the Constitution, on the Council's website or can be provided on request.
- 1.3 These "Arrangements" set out:
 - a) how to make a complaint that an elected or co-opted member of Oxfordshire County Council has failed to comply with the Members' Code of Conduct and;
 - b) how the Council will deal with such complaints.
- 1.4 The Monitoring Officer may depart from any of these arrangements where, in the opinion of the Monitoring Officer, it is necessary to do so in order to secure the effective and fair consideration of any matter.

2. Making a Complaint

- 2.1 Complaints must be submitted in writing to Oxfordshire County Council's Monitoring Officer using the [Code of Conduct complaint form](#). The complaint form (see annex 5) can be downloaded from the Council's website and is also available on request.
- 2.2 Your completed form should be sent to the Monitoring Officer by post or email (preferred). If you wish to make a complaint, please write, or email to:

By Post: Monitoring Officer
 Law & Governance
 Oxfordshire County Council
 County Hall
 New Road
 Oxford OX1 1ND

Email: standards.monitoringofficer@oxfordshire.gov.uk

- 2.3 The Monitoring Officer is the Director of Law & Governance who has statutory responsibility for maintaining the Register of Members' Interests and is responsible for administering the system in respect of

complaints of Member misconduct.

2.4 Please provide us with your name and a contact address or email address, so that we can acknowledge receipt of your complaint and keep you informed of its progress. If you want to keep your name and address confidential, please explain your reasons in this space provided on the complaint form.

2.5 The Monitoring Officer will not normally consider a complaint unless it is in writing and a complaint form has been received. This is to ensure that all of the relevant information is provided and, where necessary, consent to share information has been obtained so that the complaint can be processed. However, if you require any assistance in completing the form, please contact the council via the postal and email addresses detailed above at paragraph 2.2.

3. The complaints process

3.1 Receipt of your complaint will be acknowledged on behalf of the Monitoring Officer within **5** working days.

3.2 The Monitoring Officer is entitled to dismiss the complaint at the outset if:

- a) the Subject Councillor is no longer a councillor;
- b) the complaint is made anonymously;
- c) the same, or substantially the same issue has been the subject of a previous Code of Conduct allegation and there is nothing further to be gained;
- d) the complaint is essentially against the action of the council as a whole and cannot properly be directed against individual councillor(s);
- e) the complaint does not relate to the conduct of a councillor and is a service complaint or other matter;
- f) the complaint is against an officer of the Council.

3.3 If the complaint identifies criminal conduct (including a failure to register disclosable pecuniary interests) or breach of other regulations by any person, the Monitoring Officer will refer the complaint to the police or other regulatory agencies. No further action will be taken in relation to such complaints until any related criminal/regulatory investigation, proceedings or processes have been concluded.

3.4 Anonymous complaints will not normally be investigated, unless there is clear public interest in doing so and the Monitoring Officer considers that a fair investigation can be carried out.

3.5 Requests from Complainants for the Monitoring Officer to withhold their identity so that they remain anonymous to the Subject Councillor, are not ordinarily granted. The Monitoring Officer has to balance the right of the Subject Councillor to properly understand the complaint against them and

respond to it, with the rights of the Complainant. This normally means that the Subject Councillor will need to be told who is making the complaint.

3.6 The Monitoring Officer will usually write to the Subject Councillor complained of and provide them with a copy of your complaint (having removed your contact details), asking them for comments and any further information that the Monitoring Officer considers necessary. In exceptional cases, where it is appropriate to keep your identity confidential or disclosure of details of the complaint to the Member might prejudice any investigation, the Monitoring Officer can delete your name from the papers provided to the Subject Councillor.

3.7 The complainant is encouraged to, and the Subject Councillor is required to, respond promptly to any correspondence in relation to the complaint. The complainant and Subject Councillor will be kept updated as to how the complaint is progressing. If at any stage in the complaint process the Complainant fails to respond, the complaint may be treated as withdrawn; if the Subject Councillor fails to respond, the complaint will be determined on the basis of the information available. Failure by the Subject Councillor to engage with this process may amount to a breach of the member's code of conduct under paragraph 6.8.2: *[A Councillor] Shall cooperate with any Code of Conduct assessment, investigation, hearing and/or determination.*

4. **Will your complaint be investigated?**

4.1 The Monitoring Officer, or their appointee, will review every complaint received and, after consultation with an Independent Person (either in person or electronically), take a decision as to the following:

- a) That no further action should be taken,
- b) Refer the complaint for local resolution (which might involve an apology or training or some other form of mediation or informal resolution),
- c) Refer the complaint for investigation.

4.2 This is known as the Assessment stage and its purpose is to establish if there are valid grounds to investigate the complaint or take informal action. At this stage there is no consideration or decision about whether or not there has been a breach of the Code of Conduct.

4.3 When reviewing Code of Conduct complaints, the Monitoring Officer, in consultation with an Independent Person, will have regard to the following assessment criteria:

Adequate information:	<p>The Monitoring Officer must be satisfied that there is sufficient information available at the “initial test and assessment stage” to decide whether the complaint should be referred for investigation or other action.</p> <p>The Monitoring Officer may provide other information which is readily available, and which may assist in the consideration of the complaint “initial test and assessment stage”. This may include details of attendees at events, copies of agendas, reports and minutes of meetings or copies of the Members’ entry in the Register of Members’ Interests or other readily available information. It will not include conducting interviews with witnesses.</p> <p>If insufficient information is available, the Monitoring Officer will not normally refer the complaint for investigation or other action.</p>
Official Capacity	<p>The Monitoring Officer must be satisfied that that the Subject Councillor was acting in an official capacity.</p>
Timescale	<p>The Monitoring Officer will take into account when the events subject to the complaint took place and will not normally investigate or pursue other action if the events occurred more than 6 months prior to the complaint being submitted other than in exceptional circumstances, such as where the conduct relates to a pattern of behaviour which has recently been repeated.</p>
Seriousness	<p>The Monitoring Officer will not normally refer a matter for investigation or other action if it is considered trivial, malicious, vexatious, politically motivated or tit-for-tat.</p> <p>If something is politically motivated, it is carried out in the interests of a particular government or political party or individual.</p> <p>Where a complaint appears to relate to the “rough and tumble of political debate” and pertains to conduct between Members or Members and co-opted Members rather than between Members and the public or officers, in most instances no further action will be taken.</p>
Public interest	<p>Consideration will be given as to whether the public interest¹ would be served by referring a complaint for</p>

¹ used when talking about people's rights to know the facts about a particular situation.

	<p>investigation or other action.</p> <p>The public interest would not normally be served where, for instance, a member has died, resigned or is seriously ill.</p> <p>If the complaint has already been the subject of an investigation or other action relating to the Code of Conduct or the subject of an investigation by other regulatory authorities, it is unlikely that it will be referred for investigation or other action unless it is evident that the public interest will be served by further action being taken.</p> <p>If the complaint relates to a former Member of Oxfordshire County Council who is now an elected member of another Council, the Monitoring Officer may refer the matter to that Council for consideration.</p>
Multiple Complaints	<p>A single event may give rise to similar complaints from a number of complainants. Where possible these complaints will be considered by the Monitoring Officer at the same time. Each complaint will, however, be determined separately. If an investigation is deemed to be appropriate the Monitoring Officer may decide that, in the interests of efficiency, only one complaint should go forward for investigation, with the other complainants being treated as potential witnesses in that investigation.</p>

4.4 Before reaching a decision, the Monitoring Officer may request further information from the Complainant and the Subject Councillor or obtain information which is readily available such as minutes of Council meetings. This may extend the timescale for dealing with the complaint.

4.5 In appropriate cases, the Monitoring Officer may seek to resolve the complaint informally, without the need for a formal investigation. If, in the Monitoring Officer's view, the Subject Councillor makes a reasonable offer to settle the complaint informally, but the Complainant is not willing to accept that offer, the Monitoring Officer will take account of this in deciding whether the complaint merits formal investigation.

4.6 The Monitoring Officer will normally reach an assessment within 30 working days following receipt of all the information required to assess the complaint. Where the Monitoring Officer has taken a decision, they will inform the complainant and Subject Councillor of this decision and the reasons for that decision. The Monitoring Officer's decision is final and cannot be appealed.

5. How is the investigation conducted?

- 5.1 The Monitoring Officer will determine the procedure to be adopted if a decision is taken to undertake a formal investigation. This may involve the appointment of an Investigating Officer, who may be another senior/appropriately qualified officer of the Council, an officer of another Council or an external investigator.
- 5.2 The Investigating Officer will usually need to speak to the Complainant to discuss the complaint or correspond in writing with the complainant and may need to see relevant documents or interview other witnesses. The Complainant will be able to suggest what documents the Investigating Officer should review, and which witnesses the Investigating Officer should consider interviewing.
- 5.3 The Investigating Officer will also normally interview the Subject Councillor and provide them with the same opportunity to identify sources of evidence and witnesses. The Investigating Officer retains the discretion to conduct the investigation as they see fit including whether to interview witnesses.
- 5.4 At the end of their investigation, the Investigating Officer will produce a draft report and share it with the Monitoring Officer for their consideration. The Monitoring Officer must satisfy themselves that the investigation is of an acceptable standard and has covered all aspects of the complaint.
- 5.5 If the Monitoring Officer is not satisfied that the investigation has been conducted satisfactorily, they may ask the Investigating Officer to reconsider aspects of the report or to take further investigatory action including interviewing additional witnesses.
- 5.6 Once the Monitoring Officer is satisfied that the investigation has been conducted fully, the draft report will be sent by the Investigating Officer to the complainant and Subject Councillor with a deadline for each of them to comment upon it.
- 5.7 The Investigating Officer will consider any comments the Complainant and/or the Subject Councillor make before sending the final report to the Monitoring Officer. The report will reach a conclusion as to whether the Investigating Officer considers that there has been a breach of the Code of Conduct or not, on each allegation, and the reasons for this conclusion.

6. What happens if there appears to be no evidence of a failure to comply with the Code of Conduct?

- 6.1 The Monitoring Officer will write to you and the Subject Councillor giving you both a copy of the final report.
- 6.2 In considering the Investigating Officer's report, the Monitoring Officer may

consult with an Independent Person if they consider it appropriate to do so.

6.3 The Monitoring Officer may consider that there are “learning points” which should be shared with the Subject Councillor and/or the Audit & Governance Committee.

7. What happens if there appears to be evidence of a failure to comply with the Code of Conduct?

7.1 The Monitoring Officer will review the Investigation Report and any other relevant documentation supplied by the Investigating Officer and consult an Independent Person. The Monitoring Officer will then either send the matter for local hearing before the Members’ Hearing Panel or seek local resolution.

Local Resolution

7.2 If the Monitoring Officer thinks that the complaint can reasonably be resolved without the need for a hearing they will consult with an Independent Person and with the Complainant and seek a fair resolution. It is important though that any resolution also helps to ensure higher standards of conduct for the future. Possible local resolutions may include the Subject Councillor accepting that their conduct was below the standard expected and offering an apology to the satisfaction of the Monitoring Officer. If the Subject Councillor complies with the suggested resolution, the Monitoring Officer will report the outcome in the annual statistical report to the Audit & Governance Committee but will take no further action. That will be the end of the matter.

Local Hearing

7.3 If the complaint cannot be resolved through local resolution and/or the Monitoring Officer considers that local resolution is not appropriate, particularly if the allegation relates to serious misconduct, then the Monitoring Officer will convene a Members’ Hearing Panel (the Panel) who will conduct a local hearing to determine whether or not the Code of Conduct was breached.

7.4 The Panel will comprise a maximum of three Members of the Council drawn from at least two different political parties together with the Monitoring Officer and such other Officers as they may designate. The Panel may include not more than one Member of the Authority’s Cabinet

7.5 The Independent Person will attend all meetings of the Panel and their views will be sought and taken into consideration before any finding is made by the Panel.

7.6 The Monitoring Officer will select the membership of each Member Hearing Panel.

7.7 This is not a Court process but, in order to be fair to everyone, formalities are followed so that a clear and lawful decision can be reached.

7.8 The procedure to be followed is detailed at Annex 3.

7.9 The Panel may conclude that the Subject Councillor did not fail to comply with the Code of Conduct, and so dismiss the complaint, which would conclude the matter.

8. What action can the Members' Hearing Panel take where a member has failed to comply with the Code of Conduct?

8.1 If the Panel after hearing and/or reading all representations and having heard from an Independent Person, concludes that the Subject Councillor did fail to comply with the Code of Conduct, the Chair will inform the Subject Councillor of this finding and the Panel will then consider what action, if any, it should take as a result of the failure to comply with the Code of Conduct. In doing this, the Panel will give the Subject Councillor an opportunity to make representations.

8.2 The Panel may decide to:

- a) Censure or reprimand the member;
- b) Publish its findings in respect of the Member's conduct;
- c) Report its findings to Council for information;
- d) Recommend to the Member's Group Leader (if applicable) that they be removed from any or all Committees or Sub-Committees of the Council;
- e) Recommend to the Leader of the Council that the Member be removed from the Cabinet, or removed from particular Portfolio responsibilities;
- f) Recommend to Council that the member be replaced as Leader of the Council;
- g) Instruct the Monitoring Officer to offer training for the Member;
- h) Withdraw facilities provided to the Member by the Council, such as a computer, website and/or email and Internet access, or
- i) Exclude the Member from the Council's Offices or other premises, with the exception of meeting rooms as necessary for attending Council, Committee and Sub-Committee meetings.

8.3 The Panel has no power to suspend or disqualify the Member, to withdraw Members' basic or special responsibility allowances, or to recommend other outcomes.

9. What happens at the end of the hearing?

9.1 At the end of the hearing, the Chair will state the conclusion of the Panel as to whether the Member failed to comply with the Code of Conduct and the Panel will then consider what, if any, sanctions to impose on the Subject Councillor and/or actions to require as to any actions.

9.2 Before any sanctions are considered, the Panel will provide a further opportunity to the Subject Councillor to make further representations and hear further from the Independent Person before taking a decision as to any sanctions (if any) to impose from those set out in paragraph 8.2. As soon as reasonably practicable after the hearing, the Monitoring Officer shall prepare a formal decision notice, in consultation with the Chair of the Panel, and send a copy to the Complainant and the Subject Councillor.

9.3 The decision notice will be published as part of the minutes of the Panel meeting and will be placed on the Council's website unless the Monitoring Officer determines that it should remain confidential, or it contains exempt information.

10. Public Access to Hearing and Documents

10.1 There is a presumption that hearings will be held in public and that reports for the Hearing Panel will be available before and during the hearing. However, there may be reasons, as detailed under below, which would prevent public access to the hearing (or part of the hearing) and documents (or parts of documents) to be considered by the Hearing Panel.

11. Confidentiality in advance of Hearing

11.1 Throughout the arrangements for dealing with complaints against members there is a presumption that all steps and correspondence prior to any formal hearing will be exempt, and any documentation will remain exempt from disclosure. This is in accordance with Schedule 12A of the Local Government Act 1972.

11.2 Where the Monitoring Officer considers that the Investigating Officer's report and/or Subject Councillor's written statement in response to the Investigating Officer's report and/or the Investigating Officer's reply to that response is likely to disclose "exempt information", and in consequence that it is likely that the Hearing Panel will not be open to the public during consideration of these papers, they shall not provide copies of these papers to the press or public or permit inspection of them by the press or public in advance of the meeting.

11.3 Where the Monitoring Officer considers that the Investigating Officer's report and/or the Subject Councillor's written statement in response and/or the Investigating Officer's reply to that response is likely to disclose "exempt information" falling within Schedule 12A to the Local Government Act 1972, they will not provide copies of such papers to, nor permit inspection by any Councillor of the Authority other than the members of the Hearing Panel and the Subject Councillor concerned in advance of the meeting.

11.4 "Exempt information" is defined in Schedule 12A of the Local Government Act 1972.

11.5 The Monitoring Officer in weighing up the public interest and whether any documentation or part of the arrangements should be made available to the public will take into consideration the wellbeing of the Subject Councillor.

12. Timescales

12.1 The timescales quoted at Annex 4 are indicative. They are not guaranteed and are included in that annex to illustrate the likely duration of the complaints process. Actual timescales may be significantly shorter or longer depending on the complexity and content of the complaint, and availability of all parties.

13. Appeals

13.1 There is no right of appeal for you as complainant or for the Subject Councillor against a decision of the Monitoring Officer or the finding of the Members' Hearing Panel.

13.2 If you believe that the Council has failed to deal with your complaint properly, you may make a complaint to the Local Government & Social Care Ombudsman:

Telephone: 0300 061 0614
www.lgo.org.uk/make-a-complaint

14. Support for Councillors

14.1 Being subject to a complaint can be a very stressful experience for a Subject Councillor. Recognising this, during the complaints process support is available to a County Councillor who is subject to a complaint in the form of access to:

- a) One of the Council's Independent Persons who they can speak to.

- b) The Council's Employee Assistance Programme (EAP) which is made available to all Councillors;

<https://intranet.oxfordshire.gov.uk/cms/content/employee-assistance-programme>.

Vita Wellbeing Telephone: 0800 111 6387
Email Helpline: Wellness@vhg.co.uk

- c) The Monitoring Officer or in their absence the Deputy Monitoring Officer who will be available to discuss the wellbeing of any Subject Councillor and signpost them to the relevant Independent Person.

15. Document retention

15.1 The documentation relating to a complaint will be retained for 6 years from the conclusion of the complaint, irrespective of the outcome of the complaint.

15.2 Minutes of the Audit & Governance Committee will be retained in the same way as the minutes of other council decision making bodies.

16. Revision of these arrangements

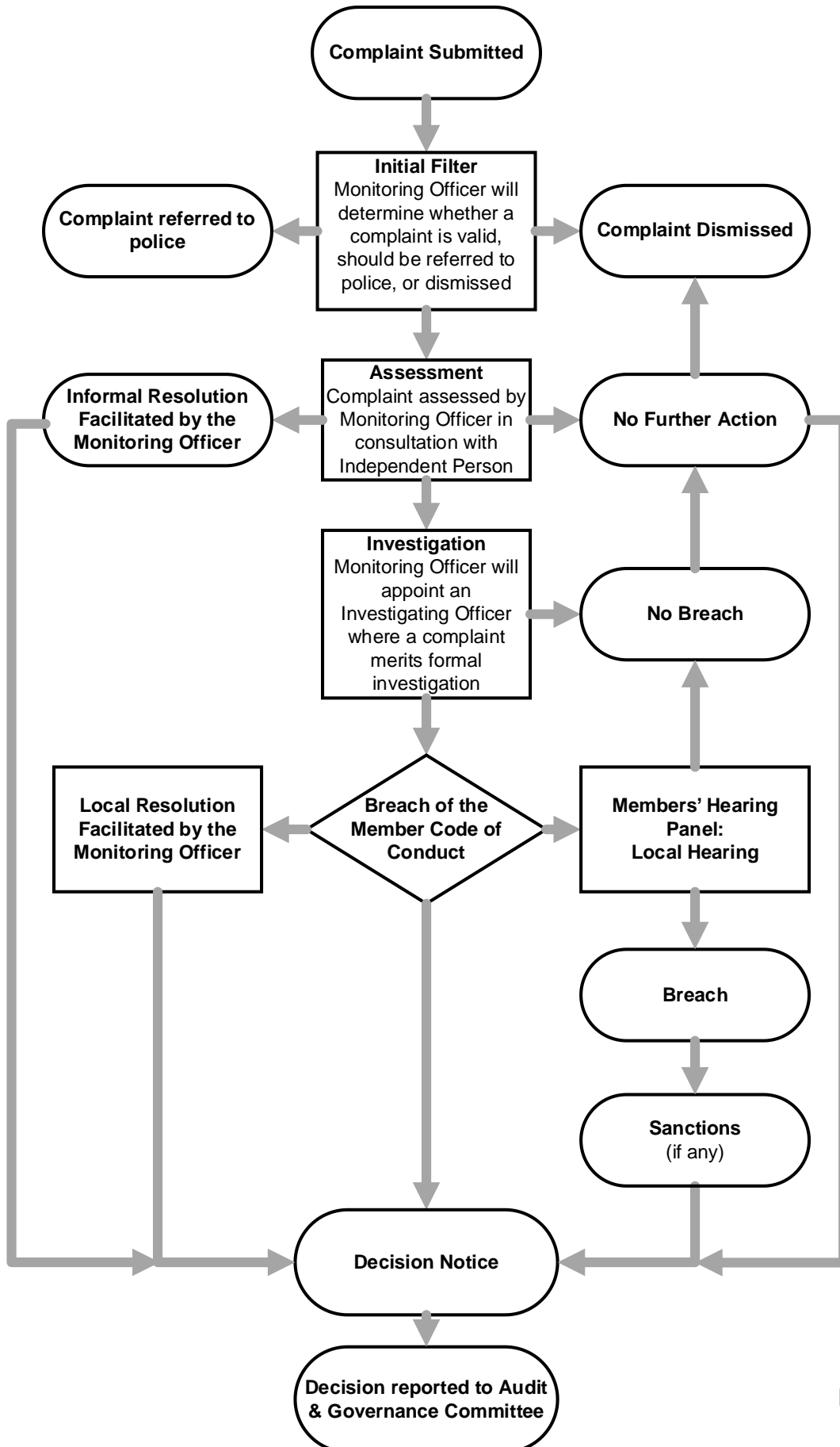
16.1 The Council may by resolution agree to amend these arrangements. The Monitoring Officer will review the arrangements every 2 years from the date of approval by Council.

Anita Bradley
Director of Law & Governance and Monitoring Officer

Date: March 2024

ANNEX 1

**Arrangements for dealing with Code of Conduct complaints against councillors:
Complaint Process Map**



Annex 2

Arrangements for dealing with code of conduct complaints against Councillors: Glossary of terms.

Apology	Acknowledgement by the Subject Councillor that their Conduct fell short in some way of the standard expected of them written to the satisfaction of the Monitoring Officer.
Complainant(s)	The person/people making the complaint.
Initial tests and assessment stage	A meeting or discussion between the Monitoring Officer and an Independent Person to consider a complaint against the initial tests and assessment criteria.
Local Hearing	A meeting of the Members' Hearing Panel of the Audit & Governance Committee at which they consider whether the "Subject Councillor" has breached the code of conduct.
Independent person	The Council must appoint at least one Independent Person and seek that person's views before it takes a decision on a complaint that it has decided to investigate. The Independent Person's views can also be sought by the council on any other issue in the complaints handling process. The Independent Person will also provide, on request, procedural advice and support to a Subject Councillor.
Investigating Officer	The person appointed by the Monitoring Officer to undertake a formal investigation. This may involve the appointment of an investigating officer, who may be another officer of the council, an officer of another council or an external investigator.
Legal advisor	The officer responsible for providing legal advice to the Members' Hearing Panel of the Audit & Governance Committee. This may be the Monitoring Officer, another legally qualified officer, or someone appointed for this purpose from outside the council.
Monitoring officer	The Monitoring Officer is a senior officer of the council who has statutory responsibility for maintaining the register of councillors' interests and who is responsible for administering the system in respect of complaints of councillor misconduct. The Monitoring Officer may also act as the Legal Advisor to the Members' Hearing Panel.
Public interest	Public interest considerations are at the heart of this process. The Monitoring Officer must balance the appropriate use of public resource in dealing with complaints with the extent to which it may be in the public interest to take further action, and what that further action should be.

Subject Councillor	The councillor, or co-optee, against whom an allegation has been made.
Sanction	An official action imposed on a Councillor who is found to have breached the Code of Conduct for members.

Annex 3

Arrangements for dealing with code of conduct complaints against councillors:

Local Hearing Procedure

Introduction

- 1 Where the Monitoring Officer considers that it is in the public interest for a complaint to be considered by the Members' Hearing Panel (the Panel), a Local Hearing will be convened to determine whether the Subject Councillor has failed to comply with the Code of Conduct for Members.
- 2 The Monitoring Officer will seek to convene the Local Hearing within 25 working days of receipt of the final Investigator's report.
- 3 The Panel will comprise a maximum of three Members of the Council drawn from at least two different political parties together with the Monitoring Officer and such other Officers as he/she may designate. An Independent Person will attend the Panel whose view will be taken before any finding is made by the Panel. The Monitoring Officer will select the membership of each Panel.

Pre-hearing processes

- 4 The Monitoring Officer will invite the Subject Councillor to give their response in writing to Investigator's report. This is done to establish what is likely to be agreed and what is likely to be in dispute at the hearing.
- 5 The Panel, taking account of the advice of the Monitoring Officer, may issue directions about the way in which the Local Hearing will be conducted, for example agreeing the number and identity of witnesses. Such directions may be given either before or at the Local Hearing and may be decided at a meeting or by correspondence involving all members of the Panel. Any meeting to deal with pre-hearing process issues will be held in private without the Complainant or the Subject Councillor present.
- 6 At least 15 working days before the date of the Local Hearing the Subject Councillor must provide to the Monitoring Officer:
 - a) any written response to be considered by the Panel at the hearing;
 - b) details of any witnesses they wish to attend the Hearing (the Subject Councillor will be responsible for liaising with these witnesses as to availability and arranging their attendance at the Hearing);
 - c) suggestions as to any directions they believe the Panel should consider setting to assist the effective running of the Hearing;
 - d) notification of any reasonable adjustments they require to enable them to participate fully in the Hearing;

Documentation

- 7 Local Hearing meetings of the Members' Hearing Panel are subject to the normal rules for publication of council agendas and access to information.
- 8 The agenda papers for the Local Hearing will include:
 - a) Monitoring Officer report
 - b) Complaint form and documentation
 - c) Investigator's report
 - d) Subject Councillor's written response, if provided
 - e) For reference: Code of Conduct, Local Hearing procedure and sanctions available (in the event of a finding of breach of the Code of Conduct).
- 9 The agenda and documents will be published under the Council's rules for exempt information. Prior to the Local Hearing, any documentation issued or exchanged during the process must be treated by all recipients as confidential unless and until the Panel agrees that the press and public should not be excluded from the meeting at which the allegations are going to be heard.
- 10 If the Panel agrees that the meeting should be held in public, the investigator's report (subject to any redactions required in respect of any exempt information) will be made available to the press and public.

Local Hearing procedure

- 11 The Local Hearing will follow normal committee procedures for apologies, selection of a Chair for that meeting and declarations of interest.
- 12 At the Local Hearing, the Monitoring Officer or Legal Adviser will introduce the case that the Subject Councillor has failed to comply with the code of conduct.
- 13 The Investigator will present their report, call such witnesses as necessary (which may include the Complainant) and make representations to substantiate the conclusion that the Councillor has failed to comply with the Code of Conduct.
- 14 The Subject Councillor (or appointed representative) will then have an opportunity to give their evidence, to call witnesses and to make representations about why they consider that they did not fail to comply with the code of conduct.
- 15 Normal hearing rules will apply in terms of providing opportunities to question witnesses and test evidence, subject to the principles of natural justice.
- 16 If the Subject Councillor (or appointed representative) is not present, then the Panel will consider whether to proceed to hear the case and make a decision in absence, or whether to adjourn the hearing to another time or date. If the Subject Councillor has indicated that the hearing should carry on without them being in attendance this will normally happen.

17 The Panel may take legal advice from its legal advisor at any time during the meeting or while they are considering the outcome. The substance of any legal advice given to the Panel would be shared in the public domain with the Subject Councillor and the Investigator if they are attending the hearing.

18 The Panel will request that all persons leave the room while they consider whether or not there has been a breach of the code of conduct.

If there is no evidence of a failure to comply with the Code of Conduct

19 If the Panel concludes that the Subject Councillor did not fail to comply with the code of conduct it will dismiss the complaint and no further action will be taken.

20 In that event, the Panel may still make general recommendations to the Council on any remedial actions if considers necessary to address the issues raised.

If there is evidence of a failure to comply with the Code of Conduct

21 If the Panel determines that the Subject Councillor has failed to comply with the code of conduct, the Chair will inform the Subject Councillor of this finding. Prior to the Panel reaching a decision the Independent Person will give their views on the matter, which will be recorded in the minutes of the meeting. The Chair of the Panel will explain the reasons why any advice from the Independent Person has or has not been followed in giving its decision.

22 The Panel will then consider what action, if any, it should take as a result. The Panel will give the Subject Councillor an opportunity to make representations about that and will consult the Independent Person deciding what action, if any, to take.

23 The Panel will request that all persons leave the room while they consider whether or not to impose a sanction on the Subject Councillor and, if so, what the sanction should be.

Remedies

24 The Council has delegated to the Audit & Governance Committee powers to take action in respect of individual councillors as may be necessary to promote and maintain high standards of conduct. Accordingly, the Panel may:

- a) Censure or reprimand the Subject Councillor;
- b) Recommend to the Subject Councillor's group leader (or in the case of ungrouped members, recommend to Council or to Committees) that they be removed from any or all Committee or Sub-Committees of the Council;
- c) Recommend to the Leader of the Council that the Subject Councillor be removed from the Executive Board, or removed from particular portfolio responsibilities;
- d) Recommend to Council that the Subject Councillor be replaced as Executive

Leader;

e) Instruct the Monitoring Officer to arrange training for the Subject Councillor.

f) Publish its findings in respect of the Subject Councillor's conduct;

g) Report its findings to Council, for information;

25 The Panel has no power to suspend or disqualify the member or to withdraw or suspend allowances or restrict access to or use of Council facilities.

Recommendations to the Council

26 The Panel will consider whether it should make any recommendations to the Council with a view to promoting high standards of conduct among councillors.

The Decision

27 The Monitoring Officer will, within 10 working days of the Local Hearing, prepare a formal decision notice, in consultation with the Chair of the Panel, and send a copy to the Complainant, to the Subject Councillor.

28 The decision notice will be published as part of the minutes of the Audit & Governance Committee Local Hearing meeting and will be placed on the Council's website unless the Monitoring Officer determines that it should remain confidential, or it contains exempt information.

29 The Monitoring Officer will be responsible for the implementation of the decision of the Panel. The findings and recommendations of the Panel (as implemented by the Monitoring Officer) are final.

Departure from these arrangements

30 The Chair of the Audit & Governance Committee or the Chair of the Panel has the right to depart from this procedure, in consultation with the Monitoring Officer or Legal Advisor, at any hearing where they consider that it is sensible to do so to deal with the case fairly and effectively.

Annex 4

INDICATIVE TIMESCALES FOR EACH STAGE OF COMPLAINT PROCESS

Stage in complaints process	Indicative Timescales
Acknowledge receipt of complaint or dismissal of invalid complaints	within 5 working days of receipt of complaint
Assessment stage decision	Issued to Subject Councillor and Complainant within 30 working days following receipt of all the information required to assess the complaint.
Investigation	A formal investigation normally takes around 8 - 12 weeks from the appointment of an appropriate investigator
Local Hearing	<p>Local Hearing within 30 working days of receipt of the final investigation report – which includes:</p> <ul style="list-style-type: none"> • 10 working days before the date of the Local Hearing to prepare hearing papers and hold any pre-hearing meetings; • 15 working days before the date of the Local Hearing the Subject Councillor must provide to the Monitoring Officer: <ul style="list-style-type: none"> a) any written response to be considered by the Panel at the hearing. b) details of any witnesses they wish to attend the Hearing (the Subject Councillor will be responsible for liaising with these witnesses as to availability and arranging their attendance at the Hearing) c) suggestions as to any directions they believe the Panel should consider setting to assist the effective running of the Hearing. d) notification of any reasonable adjustments they require to

	<p>enable them to participate fully in the Hearing.</p> <ul style="list-style-type: none">• 5 working days for agenda publication.
Local Hearing Decision	Issued to Subject Councillor and Complainant and published within 10 working days of the Hearing Panel meeting.

Annex 5

MEMBERS' CODE OF CONDUCT COMPLAINT FORM

Please use this form if you wish to make a Code of Conduct complaint against Oxfordshire County Councillors or co-opted members.

If you have any questions or difficulties filling in this form or if for any reason you are in need of support in completing this form, please contact the Council via email: standards.monitoringofficer@oxfordshire.gov.uk

Please note

- Complaints can only be accepted in writing;
- An officer from the Council may contact you personally to go through the details of your complaint;
- The Council is unlikely to be able to keep your identity or the information you have provided confidential. If you have serious concerns about disclosure of your name and a summary of your complaint, please complete Section 4 on the confidential information;
- Please read the guidance document "Arrangements for Dealing with Complaints Against Members" prior to completing this form.

Section 1: Your details

Title	
First Name	
Surname	
House Number/Name	
Road/Street	
Town/City	
Postcode	
Telephone/Mobile Number	

Email Address	
----------------------	--

Please double click on (or tick) the box which complaint type best describes you:

- Member of the public
- Elected/co-opted member of the Council
- Local Authority Monitoring Officer
- Local Authority officer/employee
- Other (please specify)

--

Section 2: Your complaint

Who are you complaining about?

Please give the name(s) of the County Councillor or Co-opted Member(s) of Oxfordshire County Council that you consider has broken the Code of Conduct.

Name of individual(s) (include both first and last names)

1.	
2.	
3.	
4	
5.	

Section 3: What are you complaining about?

Please provide us with as much information as you can about your complaint to help us decide what action to take. Include the date and details of the alleged misconduct, and any information that supports the allegation.

Please identify in the table below which parts of the code of conduct you consider have been breached, with reasons why. Without this the Monitoring Officer is unable to assess your complaint.

If you are complaining about more than one Member you should clearly explain what each individual Member has done that you believe has breached the Code of Conduct identifying which parts of the Code, you consider have been breached by each.

We can only investigate complaints that a Member has broken the Members' Code of Conduct (please see the guidance document "Arrangements for Dealing with Complaints Against Members" referred to above).

You can continue on a separate sheet if there is not enough space on this form.

Paragraph	Behaviour

Details of complaint



Evidence (if this applies)

Please attach to this form copies of any correspondence, documents, names and details of witnesses, and any other evidence that you feel is relevant to your complaint. Please avoid sending us large amounts of background information that only relates indirectly to your complaint.

Please briefly describe the documents you will be enclosing:

1.	
2.	
3.	
4.	
5.	
6.	

Check this box if you would like us to return the evidence to you.

Witnesses (if this applies)

Please tell us the names and details of any witnesses:

	First Name	Last Name	Address/Phone Number
1.			
2.			
3.			

Section Four: Resolution of your complaint

As explained in the document “Arrangements for Dealing with Complaints Against Members”, in appropriate cases the Monitoring Officer may seek to resolve the complaint informally, without the need for a formal investigation. For example, this may involve the member accepting that their conduct was unacceptable and offering an apology, or other remedial action by the authority, or some form of mediation. Where the member or the authority makes a reasonable offer of local resolution, but you are not willing to accept that offer, the Monitoring Officer will take account of this in deciding whether the complaint merits formal investigation.

Please use this box to tell us whether you feel that there may be a way to resolve your complaint without the need for a formal investigation and, if so, how:

Section 5: Confidential Information (this part only applies if you are asking for your identity to be kept confidential)

In the interests of fairness and natural justice, we believe members who are complained about have a right to know who has made the complaint. We also believe that they have the right to be provided with a summary of the complaint. We are unlikely therefore to withhold your identity or the details of your complaint unless there is good reason. For example, where the disclosure of personal details may result in the evidence being compromised or destroyed by the Subject Councillor or if there is a real possibility of intimidation of the complainant or witnesses by the Subject Councillor.

Please note that requests for confidentiality or requests for suppression of complaint details will not automatically be granted. The assessment of your request will be undertaken by the Panel who will carry out the initial assessment of your complaint. We will then contact you with the decision. If your request is not granted, we will allow you the option of withdrawing your complaint. It is important to understand that in certain circumstances where the matter complained of is very serious, we can proceed with an investigation or other action and disclose your name even if you have asked us not to.

Please provide details below of why you believe we should withhold your name and details of your complaint:

Please consider the complaint I have described above, and the evidence attached. I understand and accept that the details will normally be disclosed to the Member and any parties involved in the complaints procedure or outside authorities required to monitor the Council's complaints procedure by law. It may also be shared with the Police in the prevention or detection of crime.

Signature: _____ Date: _____

Please send this form together with any attachments to:

**The Monitoring Officer
Oxfordshire County Council
County Hall
New Road
Oxford
OX1 1ND**

Or by email to: standards.monitoringofficer@oxfordshire.gov.uk