

## Appendix 1

### A: Key data re complaints received between 1/1/21 and 31/12/21

Note on methodology: where more than one complaint is received from different people about the same allegation of member conduct, each of those complaints are counted individually. Similarly where one complaint is made but alleging misconduct about two or more members, then each complaint about each member is counted individually.

**Table 1 – number of complaints**

<b>Complaints against members made in 2019</b>	<b>Complaints against members made in 2020</b>	<b>Complaints against members made up to 31.12.21</b>
<b>13</b>	<b>33*</b>	<b>36</b>

\* NB While the data indicates that the largest jump in numbers took place in 2020, the figures for that year were inflated by a total of seven complaints against a single member for the same alleged breach.

**Table 2 – complainant data**

<b>Complaints made by members about other members</b>	<b>Complaints made by residents or other stakeholders</b>	<b>(NB complaints made about members by officers are normally dealt with under the Officer/ Member Protocol</b>
<b>5</b>	<b>31*</b> *incl one complaint made by a member's partner against another member)	

**Table 3 – outcomes**

#### **I: complaints determined at preliminary assessment stage**

<b>Total number of complaints made in 2021 which were determined before end of the year</b>	<b>Number of complaints determined at preliminary assessment stage because alleged conduct was not considered capable of amounting to a breach,</b>	<b>Number of complaints determined at preliminary stage which followed an apology, or some other remedial action by the subject member (which could</b>
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	<b>because not in the public interest to investigate or because the revised tests inserted into the Procedure in July 2021 were otherwise not met</b>	<b>include providing information to be provided to the complainant)</b>
<b>25</b>	<b>25</b> incls one complaint resolved via the Member/Officer Code	<b>3</b>

**II: complaints referred for formal investigation during 2021**

<b>Total complaints referred for formal investigation</b> (NB total includes one complaint received at end of 2020 and not otherwise referred to in this table)	<b>Outcome at formal investigation stage</b>
<b>2</b>	<b>1 – decision to take no action after recommendation of no breach</b>
	<b>1 – still in progress</b>

**Table 4 – subject of complaints: trends**

<b>Complaints about members’ discharge of their ward responsibilities (normally made by constituents)</b>	<b>14</b>
<b>Complaints about comments or conduct either at council meetings, or at meetings at which members are representing BHCC</b>	<b>3</b>
<b>Complaints about conduct relating to council business or other members made outside council meetings or on social media</b>	<b>16</b>
<b>Complaints about a member’s conduct or position on an issue which is not council business or a ward matter, including conduct or a statement reported in the press or made on social media</b>	<b>3</b>

**B: Observations on the data: volume and outcomes - tables 1, 2 & 3**

Some key points regarding the complaints received in during 2021:

- In terms of member allegiances: **Members from all of the Party Groups as well as Independents** were the subject of complaints.
- Complaints about perceived conduct issues by members which did not generate a formal complaint have not been counted in the total. One of the 36 complaints was against all members of a particular decision-making Committee but was only counted as a single complaint. Also a separate complaint was made by a single member who self-referred.
- Two complaints were referred for **formal investigation** by an external investigator this year (one of which was received in at end of 2020, so is otherwise not referred to in this table). This was due to insufficient resource being available in-house.
- A number of complaints were **member on member** (a total of 6 if a single complaint from a member's partner is included; 5 if not): a category of complaint which is often amongst the most resource intensive to resolve
- Complaints about members made by officers are directed via a separate process therefore the majority of the complaints were therefore from **members of the public or other stakeholders**.
- In terms of **themes**, the matters complained of encompassed a range of issues and topics. However there was a discernible increase in the **complexity of complaints**, with an increasing proportion of complainants submitting multiple items of evidence from a range of sources and media in an attempt to demonstrate ongoing conduct over time.
- Four complaints which involved **member conduct toward Council officers** were received in (as well as one made by an officer, which was not dealt with via this process).
- In terms of **outcomes**, the overwhelming majority of complaints were resolved outside the formal investigation process. Analysing the data relating to outcomes was made challenging by changes midyear to the tests against which complaints are assessed when formal investigation is contemplated. Those tests now take the form of a series of questions which are considered to better reflect a more nuanced assessment process of assessment: a development which is not considered to assist attempts at categorisation. Similarly, while the number of complaints in table 3 I which appear to have involved

proactive steps toward resolution by the subject member may appear low, it is not considered to full describe the constructiveness of those members who proactively provide clarification and information throughout the process.

- Not all complaints have been determined as promptly as they might have been. **A total of 11 complaints received in in 2021 remain outstanding at the current time**, although all of them were initially acknowledged and processed promptly. This may be attributed to a combination of the following factors, which have increased the burden on Council staff and on the Council's Independent Persons as well as the members who are the subject of the complaints: a) the number and complexity of the complaints received in and also b) recent changes to the process which formalise expectations of additional consultation with key parties as well as increasing the time spent considering the option of informal resolution at each stage.

#### **Observations on the data: themes - table 4**

The issues arising are wide-ranging and defy easy analysis. The majority of complaints originate either from member conduct in their ward or outside of Council meetings, whether acting in their capacity as members with members of the public, officers and/or each other.

While the majority of the complaints arose either from conversations via email or comments made on social media, this was not considered to be especially significant given the curtailing of options for face-to-face interaction during the pandemic. It is however noted that conduct taking place when members were representing the Council externally has given rise to a relatively small number of complaints in this last year, as has conduct occurring during Council meetings as opposed to outside of them.

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#### **C: Mitigating steps already taken**

Efforts have been made to take some key steps to mitigate the pressures:

- a) Group Leaders are now routinely joined into early communications in complaints made by or about their members, in hopes of ensuring that all possible efforts are made to ensure a prompt resolution where possible

- b) A further review of the Council's detailed arrangements for dealing with member complaints was completed during the first part of 2021 and revised versions of the Code of Conduct for Members and the Procedure for Dealing with Complaints as well as a key Guidance document were approved in July 2021.
- c) The revised Code now provides explanatory text to enhance understanding of the requirements, as well as providing (amongst other things) that members are required to attend Standards training.
- d) The revised Procedure provides for a streamlined process for resolving complaints, with a more detailed and robust test against which complaints are assessed to ensure that only those complaints which meet key tests are progressed, as well as an embedded expectation that informal resolution will be considered at each stage in the process.
- e) Revised, public-facing Guidance on Correspondence & Social Media for Members was also approved which includes provisions aimed to help members manage stakeholder expectations in relation to emails & other engagement in order to reduce issues arising in that key area
- f) Following a poll last summer of all members asking what format they would prefer to receive training, external training has been provided by a specialist trainer on how to use social media while remaining within the Code, with a second session to be provided in early 2022.
- g) In terms of **training**: as well as dedicated Standards Panel training for all members of the Audit & Standards Committee (completed in autumn 2021), internal refresher training on the Code is being offered by officers to all elected members of BHCC during January 2022 using the current approach (which was endorsed by the poll results). This is providing opportunity for a refresh on Standards as well as highlights on the revised Standards arrangements in force since July 2021: a topic which was covered in a detailed email briefing to all members.
- h) As well as providing Standards refresher training to all members of the Council at least annually, officers plan to provide additional briefings and L&D as and when requested.

#### **D: Other steps mandated by members**

Member observations and thoughts are sought regarding other proportionate steps which might be adopted, in addition to those outlined in C above.