

**PART 6c**  
**ARRANGEMENTS FOR DEALING**  
**WITH BREACHES OF THE CODE**

Date Approved:	June 2012
Date Revised:	May 2014, Oct 2015, July 2016, October 2019, March 2021
Date of Next Review:	March 2024
Owner:	Monitoring Officer

## ARRANGEMENTS FOR DEALING WITH STANDARDS COMPLAINTS

### 1. Introduction

These “arrangements” set out how you may make a complaint that an elected or co-opted Member of this Authority has failed to comply with the Authority’s Code of Conduct and sets out how the Authority will deal with allegations of a failure to comply with the Code.

Under Section 28(6) and (7) of the Localism Act 2011, the Authority must have in place “arrangements” under which allegations that a Member or co-opted member of the Authority, or of a committee or sub-committee of the Authority, has failed to comply with the Authority’s Code of Conduct can be investigated and decisions made on such allegations.

Such arrangements must provide for the Authority to appoint at least one Independent Person, whose views must be sought by the Authority before it takes a decision on an allegation which it has decided shall be investigated, and whose views can be sought by the Authority at any other stage, or by a Member or co-opted member against whom an allegation has been made.

### 2. Making a complaint

If you wish to make a complaint, please write or email to –

The Monitoring Officer  
Barnsley MBC  
Town Hall  
Barnsley  
S70 2TA

Or e-mail [Garrykirk@barnsley.gov.uk](mailto:Garrykirk@barnsley.gov.uk)

The Monitoring Officer is a senior officer of the Authority who has statutory responsibility for administering the system in respect of complaints of Member misconduct.

The Monitoring Officer will acknowledge receipt of your complaint normally within 5 working days of receiving it, and will keep you informed of the progress of your complaint.

### 3. Will your complaint be investigated?

The Monitoring Officer will review every complaint received and, after consultation with the Independent Person, take a decision as to whether it merits formal investigation. This decision will normally be taken within 14 days of receipt of your complaint. Where the Monitoring Officer has taken a decision, he/she will inform you of his/her decision and the reasons for that decision.

Where he/she requires additional information in order to come to a decision, he/she may come back to you for such information, and may request information from the Member against whom the complaint is directed.

The Monitoring Officer may refer a complaint to the Appeals and Standards Committee for a decision on whether it should be investigated where he/she considers it would be inappropriate for him/her to take the decision; for example, where he/she has previously advised the Member on the matter of complaint.

In appropriate cases, the Monitoring Officer may seek to resolve the complaint informally, without the need for a formal investigation. Such informal resolution may involve the Member accepting his/her conduct was unacceptable and offering an apology, or other remedial action by the Authority. Where the Member of 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.

In deciding whether a matter should be investigated the Monitoring Officer will take into account:

- the seriousness of the allegation
- the effectiveness of the remedies available
- the date of the incident complained of
- the benefits of an independent consideration of the allegation
- if the allegation relates to a cultural or re-occurring issue relating to standards within the Authority
- if the matter should be dealt with by some other method, e.g. police investigation.

#### **4. How is the investigation conducted?**

If the Monitoring Officer decides that a complaint merits formal investigation, he/she will arrange for an officer or some other person if appropriate to carry out a further investigation and to produce a report of their findings.

The Monitoring Officer shall inform the Member that is the subject of the investigation of the nature of the complaint and that it is subject to investigation.

The Appeals and Standards Committee will consider the investigation report and shall decide whether any further action is appropriate.

#### **5. Hearing**

In the event that it is considered that further action may be appropriate the Appeals and Standards Committee shall arrange to hold a hearing at which the Member who is the subject of the complaint shall be entitled to be present and to be heard. The Appeals and Standards Committee may appoint a Sub-Committee to hear the complaint. Where a Sub-Committee is appointed it will have the same powers as the Appeals and Standards Committee.

The views of the Independent Person required to be appointed under section 28 of the Localism Act 2011 shall be sought as appropriate and where sought shall be taken into account before any decision is taken by the Appeals and Standards Committee (or Sub-Committee) with regard to the allegation.

In the event that the allegation is upheld the Appeals and Standards Committee (or Sub-Committee) shall either:

- Determine that no further action be taken
- Recommend to the Authority any further appropriate action be taken in accordance with the general powers available to the Authority.

The Monitoring Officer shall inform the Member the subject of the complaint and the complainant of the outcome of the complaint in writing within 7 days of the hearing.