

EAST HERTS COUNCIL

ASSESSMENT SUB-COMMITTEE – 4 OCTOBER 2019

REPORT BY THE MONITORING OFFICER

CODE OF CONDUCT

WARD(S) AFFECTED: NONE

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**Purpose/Summary of Report**

- A Code of Conduct complaint has been received where the complainant wishes to retain anonymity. An assessment sub committee has been formulated to consider the complainant's request for anonymity and further consider whether the complainant's request for anonymity should be upheld.

<b><u>RECOMMENDATION TO ASSESSMENT SUB COMMITTEE</u></b>	
<b>(A)</b>	<b>To consider a complainant's request for anonymity in respect of a Code of Conduct complaint</b>
<b>(B)</b>	<b>To decide whether the complainant's request for anonymity should be upheld</b>

**1.0 Background**

1.1 Within its terms of reference, the Performance Audit and Governance Oversight Committee has a function "to promote and maintain high standards of conduct by Members and Co-Opted Members of the authority".

1.2 Part C of the East Council's complaint form specifies:

1. In the interests of fairness and in compliance with the rules of natural justice, we believe Members who are complained about have a right to know who has made the

complaint and the substance of the allegation(s) made against him / her. We are, therefore, unlikely to withhold your personal details or the details of your complaint unless you have good reasons to believe that you have justifiable grounds, for example:

- to believe you may be victimised or harassed by the Member(s) against whom you are submitting a written complaint (or by a person associated with the same); or
- may receive less favourable treatment from the Council because of the seniority of the Member against whom you are submitting a written complaint in terms of any existing Council service provision or any tender / contract that you may have or are about to submit to the Council.

Please note that requests for confidentiality or requests for suppression of the personal and complaint details will not automatically be granted. The Assessment Sub-Committee will consider the request alongside the substance of your complaint and the Monitoring Officer will then contact you with the decision. If your request for confidentiality is not granted, we will usually allow you the opportunity, if you so wish, of withdrawing your complaint.

However, it is important to understand that - in exceptional circumstances, where the matter complained about is very serious - we may proceed with an investigation (or other action) and may have no choice but to disclose your personal and complaint details, because of the allegation(s) made, even if you have expressly asked us not to.

1.3 Paragraph 3.5 of the East Herts Council complaints procedure further provides:

- The authority does not normally investigate anonymous complaints, unless there is a clear public interest in doing so.

- 1.4 The formulation of an assessment sub committee was approved by the Performance Audit and Governance Oversight Committee on 24 September 2019. It is therefore required that the assessment sub Committee considers whether anonymity should be granted in line with the complaints process.
- 1.5 Members of the Assessment Sub Committee are required to consider the complaint in line with procedure and decide whether the complainants request for anonymity will be upheld.

## 2.0 Implications/Consultations

Information on any corporate issues and consultation associated with this report are contained within **Essential Reference Paper 'A'**.

Background Papers:

<https://www.eastherts.gov.uk/search?q=councillors&go.x=0&go.y=0>

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